

Exhibit A

In The Matter Of:

Janice Scott v.

The Charter Oak Fire Insurance Company

Janice Scott

July 28, 2021

Part 1 (7-28-21) Part 2 (8-10-21)


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Part 1 (7-28-21) Part 2 (8-10-21)

1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

5 JANICE SCOTT,

6 Plaintiff, Civil Action
7 vs. File No.
1:20-cv-4420-TWT

8 THE CHARTER OAK FIRE
INSURANCE COMPANY,

9 Defendant.

10 _____
11 REMOTE DEPOSITION OF JANICE SCOTT
12
13

14 July 28, 2021, and August 10, 2021

15 10:00 a.m.

16 Atlanta, Georgia

17
18
19
20 Michelle R. Lowe, RPR, CCR-2748

21 *****

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**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

2

1 REMOTE APPEARANCE OF COUNSEL:

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4 Attorney at Law

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11

12 On behalf of the Defendant:

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14 Attorney at Law

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21

22 Also Present:

23 Sari Marmur

24

25

Part 1 (7-28-21) Part 2 (8-10-21)

3

1 INDEX OF EXHIBITS

2 For the Defendant:

3 EXHIBIT	DESCRIPTION	PAGE
4 Exhibit 1	Plaintiff's documents	33
5 Exhibit 2	October 12, 2018, letter	72
6 Exhibit 4	Office of Insurance and Safety	187
7	Fire Commissioner Complaint	
8 Exhibit 5	Check notification letter	79
9 Exhibit 6	November 9, 2018, letter	89
10 Exhibit 7	December 13, 2018, letter	142
11 Exhibit 10	Diagram	65
12 Exhibit 11	Complaint for Damages and Demand	174
13	for Jury of Twelve	
14 Exhibit 12	Plaintiff's Initial Disclosures	181
15 Exhibit 13	Plumbing invoices	120

16
17 * * *

18

19

20

21

22

23

24

25

Part 1 (7-28-21) Part 2 (8-10-21)

4

1	I N D E X	
2		PAGE
3	July 28, 2021	1
4	August 10, 2021	117
5		
6		
7	Examination by Ms. Karabinos:	7
8	Examination by Mr. Villani:	192
9	Further Examination by Ms. Karabinos:	228
10	Further Examination by Mr. Villani:	234
11		
12	* * *	
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

5

1 DEPOSITION OF JANICE SCOTT

2 JANICE SCOTT,

3 being first duly sworn or affirmed to testify to the
4 truth, the whole truth, and nothing but the truth,
5 was examined and testified as follows:

6 MS. KARABINOS: Let the record reflect
7 that this is the deposition of the plaintiff, Janice
8 Scott, taken for the purposes of discovery and for
9 all purposes permitted under the Federal Rules of
10 Civil Procedure. This deposition is being taken at
11 the date, time, and place pursuant to notice and
12 agreement of counsel.

13 Ralph, I propose that we enter into the
14 usual stipulations that all objections be reserved
15 until the time of the use of the transcript, except
16 for the form of the question and the responsiveness
17 of the answers. Is that okay with you?

18 MR. VILLANI: It is. And I forgive --
19 forgive me every once in a while I'll get a senior
20 moment or passion will flow up and I'll violate
21 that. But for the most part -- and I try to when I
22 do an objection -- I would ask counsel to do that --
23 Karen, ask you to do that -- if there's an objection
24 to the form of a question, I will state what the
25 objection is, the form, you know, evidence -- facts

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

6

1 not in evidence or confidential information,
2 attorney-client privilege. And then this way it
3 will give you time to cure it during the deposition
4 instead of going to a long, drawn-out federal
5 hearing -- and you know how long and drawn-out they
6 can be -- explaining what your -- why that part of
7 the testimony should be stricken. This way we'll
8 have a -- go in there with a clean deposition.

9 MS. KARABINOS: I agree with that as to
10 objections regarding form.

11 May we will also stipulate as to the
12 qualifications of the court reporter and waive all
13 formalities, such as taking, transcribing, and
14 signing of the -- and filing of the deposition.

15 MR. VILLANI: Sure. I mean, I'm sure
16 Miss Lowe is a certified court reporter and able to
17 do this, otherwise you wouldn't have hired her.

18 MS. KARABINOS: That is true.

19 MR. VILLANI: And the other thing is my
20 client would like to read and sign. She wants to
21 reserve the right.

22 And, Miss Scott, what that means is that
23 you're allowed to get a copy of -- I guess because
24 of COVID they will e-mail you a electronic copy of
25 your deposition with an errata sheet, which means

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

7

1 errors, and you go through it. If on a line, you
2 say, what color was that light when you went through
3 it -- oh, it was red. And you say, oh, no, I meant
4 green. And so you change the light was green and
5 you put a reason under there, I didn't understand
6 the question, or one of the kids ran in the room at
7 the time and I shushed them out and I didn't hear
8 the question.

9 Okay?

10 THE WITNESS: Okay.

11 MS. KARABINOS: Okay. Great. Thank you
12 very much.

13 EXAMINATION BY COUNSEL FOR THE DEFENDANT
14 BY MS. KARABINOS:

15 Q Miss Scott, as I indicated before we got
16 started, I am counsel of record for Charter Oak.
17 That is the defendant in the lawsuit that you have
18 filed. And I'm here today to ask you some questions
19 regarding the nature of your lawsuit against Charter
20 Oak, the facts upon which that lawsuit is based.

21 So we're going to be here for a little
22 while today. Anytime that you want to take a break,
23 just let me know. All I ask is that if there is a
24 question that's pending that you do answer the
25 question before we take a break. Is that okay?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

8

1 A Okay.

2 Q All right. And I know we're doing this
3 virtually. So if at any time you don't understand
4 my question because maybe your Internet has gone
5 out -- because I've had that happen several times
6 over the last 18 months -- or I speak too fast or
7 for whatever other reason you don't understand my
8 question, please just say, hey, Karen, I didn't
9 understand your question. I'll be glad to rephrase
10 my question until you feel comfortable enough in
11 responding. Okay?

12 A Okay.

13 Q Okay. Great. One of the things that
14 we're going to be doing is the court reporter is
15 going to take down everything that you and I say
16 today; so it's very important that you give verbal
17 responses. So if you shake your head up or down,
18 I'm going to ask you if that's a yes or no. I'm not
19 trying be rude, but I want to make sure that the
20 court reporter accurately reflects your response and
21 I too understand what your response is. Okay?

22 A Okay.

23 Q And if you say, uh-huh or uh-uh, I'm going
24 to do the exactly same thing. Okay?

25 A Okay.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

9

1 Q It's kind of hard sometimes when you're
2 being deposed on a matter that you know a lot about.
3 And you will probably know the answer to my
4 question, before I get the question all the way out.
5 But Michelle, our court reporter, doesn't know what
6 that question is. So if you'd be so kind to wait to
7 answer my question until I finish it and then you
8 can answer. And I, in turn, will try to wait until
9 you finish your answer, before I ask my next
10 question. Okay?

11 A All right.

12 Q Great.

13 Now, at any time during the deposition, if
14 you hear something, you see something, or maybe you
15 just remembered something after I'd already asked
16 that question, let me know and I'll be glad to allow
17 you to put that information on the record. Okay?

18 A Okay.

19 Q Okay. Great.

20 All right. Let's go ahead and get started
21 with your deposition then after getting all of those
22 instructions out of the way.

23 Could you give us your full name for the
24 record.

25 A Janice C. Scott.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

10

1 Q And what does the C. stand for?

2 A Cassandra.

3 Q Can you spell that for us.

4 A C-A-S-S-A-N-D-R-A.

5 Q Okay. And in preparation for your
6 deposition today, did you review any documents?

7 A Yes.

8 Q What documents did you review?

9 A I reviewed the documents that the lawyer
10 had put together.

11 Q And can you identify what those documents
12 were?

13 A I don't have them right in front of me.

14 Q Generally what were the documents?

15 A It was everything pertaining to this case.

16 Q Was it a copy of the complaint?

17 A Yes.

18 Q Was there a copy of any other pleadings
19 that had been filed with the court?

20 A No.

21 Q During this case your attorney,
22 Mr. Villani, has produced certain documents to us.
23 Did you produce the stack of documents that y'all
24 have produced to us?

25 A Yes.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

11

1 Q Okay. Other than the complaint and those
2 stack of documents, were there any other documents
3 that you have reviewed?

4 A No.

5 Q Okay. Besides your attorney, have you
6 discussed this case with anybody else in preparation
7 for your deposition?

8 A No.

9 Q What about Mr. Bruce Fredrics?

10 A I've not discussed with him lately while
11 I'm trying to get ready for the deposition. It's
12 been a while since I talked to Bruce.

13 Q When was the last time that you spoke with
14 Mr. Fredrics?

15 A I'm not sure.

16 Q Is there anybody currently in your home
17 with you today while we're taking this deposition?

18 A Not at this moment, no.

19 Q Do you expect anybody to arrive today?

20 A My daughter may come back early. I don't
21 know what time she'll be back.

22 Q Okay. And for the record, what's your
23 daughter's name?

24 A Sandra Scott.

25 Q And is it S-A-N-D-R-A?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

12

1 A Yes.

2 Q Okay. And does she reside with you?

3 A Yes.

4 Q How long has she lived with you at the
5 Foote Street address?

6 A This time -- the last time she moved out.
7 She's here -- she moved back about four years ago.

8 Q Four years ago?

9 A Yes.

10 Q We're here about a lawsuit that you filed
11 against Charter Oak regarding some water and mold
12 damage; is that correct?

13 A Correct.

14 Q And what is the date of loss that you
15 believe that the water and mold damage occurred?

16 A September the 29th of 2018.

17 Q Around that date was your daughter, Sandra
18 Scott, residing with you?

19 A Yes.

20 Q Was anybody else besides you and your
21 daughter living there?

22 A Her children: Nehemiah Johnson and
23 Christian Johnson.

24 Q Okay. Neal Minor Johnson? Is that what
25 you said?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

13

1 A Nehemiah.

2 Q Can you spell that for me.

3 A N-E-H-E-M-I-A-H.

4 MR. VILLANI: Like in the Bible.

5 MS. KARABINOS: Okay. Gotcha.

6 BY MS. KARABINOS:

7 Q And Chris Johnson, are those your
8 grandchildren?

9 A Christian Johnson, yes.

10 Q How old are they?

11 A 12 and 14 now. Nehemiah is 14; Christian
12 is 12.

13 Q Thank you. I was just going to ask that.

14 So they were 9 and 11 at the time of the
15 loss; is that correct, give or take?

16 A Yes.

17 Q All right. What, if anything, does your
18 grandchildren have knowledge of regarding the leaks
19 and the mold that we're here about?

20 A Nothing. Nothing that I know of.

21 Q Okay. What about your daughter?

22 A She -- I'm not sure if she know anything
23 about the leak.

24 Q Okay. So was she -- did she observe where
25 water was leaking?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

14

1 A I'm not sure.

2 Q Okay. Did she observe any of the mold?

3 A No.

4 Q All right. So you currently are still
5 living at the Foote Street address in Atlanta,
6 Georgia; is that correct?

7 A Yes, ma'am.

8 Q How long have you lived there?

9 A We built this house in 1988; so about 33
10 years.

11 Q Okay. And prior to 1988, where did you
12 live?

13 A I lived then in the Edgewood Court
14 Apartments.

15 Q Edgewood Court?

16 A Yes.

17 Q And how long did you live there?

18 A I don't remember. It's been a while.

19 Q Yeah. Well, if you've been 33 years at
20 the current place, yeah, it has been a while.

21 Have you ever been married?

22 A Yes.

23 Q Are you still married?

24 A No.

25 Q How did that marriage end?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

15

1 A Divorce.

2 Q And what was the name -- who was your
3 spouse?

4 A James Scott.

5 Q And when did you and Mr. Scott divorce?

6 A In 1975.

7 Q In what county?

8 A I'm sorry. '95.

9 Q And in what county did y'all divorce?

10 A DeKalb County.

11 Q Have you ever remarried?

12 A No.

13 Q Other than Sandra Scott, do you have any
14 other children?

15 A I do.

16 Q And what are their names and ages?

17 A Yolanda -- what's her new last name? Oh,
18 God, I forgot her name. She recently got married;
19 so I don't remember her last name.

20 Q Okay.

21 A Yolanda is -- she was born in '75; so she
22 was -- she's 46.

23 Q Okay. And where does she live? Just give
24 me the county.

25 A DeKalb County.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

16

1 Q Okay. And do you have any other children?

2 A Samuel Scott.

3 Q And how old is Samuel?

4 A 42.

5 Q And what county does he live in?

6 A I'm not sure.

7 Q Okay. And then any others?

8 A Michael Scott.

9 Q And where -- how old is Michael?

10 A He's 40.

11 Q And where does -- what county does he live
12 in?

13 A I don't know.

14 Q Does both Michael and Samuel reside in
15 Georgia?

16 A As far as I know, they do.

17 Q If you would, tell me a little bit about
18 your educational background, starting with high
19 school. Did you graduate from high school?

20 A Yes.

21 Q Which high school was that?

22 A Frederick Douglas.

23 Q And what year was that?

24 A 1975.

25 Q Did you go on to attend college or any

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

17

1 trade or technical schools?

2 A I went to -- I went and trained for
3 nursing assistant at the Jewish Home. Then I
4 went -- then I went to be a mom for a while, then I
5 went back to work. I went to school at Georgia
6 Medical Institute, became a medical assistant. I
7 went to Clayton State.

8 MR. VILLANI: Say that one more time,
9 Janice.

10 THE WITNESS: Excuse me?

11 MR. VILLANI: That last thing you just
12 said. I didn't hear that.

13 THE WITNESS: I went to Clayton State.

14 MR. VILLANI: What state?

15 MS. KARABINOS: Clayton State University.

16 MR. VILLANI: Thank you. My audio is
17 going in and out again.

18 BY MS. KARABINOS:

19 Q Did you obtain a degree from Clayton
20 State?

21 A No. I didn't finish. I went -- no. I
22 didn't finish.

23 (Off-the-record discussion.)

24 BY MS. KARABINOS:

25 Q And what is your current occupation,

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

18

1 Miss Scott?

2 A I'm not working now.

3 Q Okay. How long have you not been working?

4 A Since 2017.

5 Q Okay. And what prompted you to stop
6 working in 2017?

7 A In 2016 I had surgery on my left foot. I
8 had screws in it -- I have screws in it right now.
9 They had to redo the surgery and I -- they had to
10 redo it in '17. I was in a car accident in '17 and
11 got a bad back injury. And since then I've been on
12 disability.

13 Q Is the disability that you are
14 receiving -- is that with the Social Security
15 Administration or --

16 A Yes. And long-term.

17 Q Okay. And long-term disability from your
18 employer?

19 A Yes.

20 Q Who's your long-term disability with?

21 A Sun Life.

22 Q Okay. And how much do you receive per
23 month from that?

24 A \$506.

25 Q And from the Social Security

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

19

1 Administration for your disability? How much do you
2 receive on that?

3 MR. VILLANI: Janice, your previous
4 response was Sun Life?

5 THE WITNESS: Yes, sir.

6 MR. VILLANI: How much was that?

7 THE WITNESS: \$506.

8 MR. VILLANI: 506. Okay. Did you say how
9 much you received from the SSDI?

10 MS. KARABINOS: No. She was about to
11 answer that question.

12 MR. VILLANI: Go ahead.

13 A \$1,312.

14 BY MS. KARABINOS:

15 Q How long have you been receiving the
16 Social Security Administration benefits?

17 A It was approved in December of '17.

18 Q And is that for a permanent disability?

19 A Yes, ma'am.

20 Q Other than those two sources of income, do
21 you have any other income coming into your home?

22 A No.

23 Q Who were you employed with in 2017 when
24 you quit working?

25 A North Fulton Neurology.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

20

1 Q Was there a particular office that you
2 went to?

3 A That was the office.

4 Q Okay. And where was that located?

5 A Roswell, Georgia.

6 Q And was that connected to North Fulton
7 Hospital?

8 A No.

9 Q Okay. It was separate?

10 A Separate.

11 Q How long had you worked there?

12 A 12 years.

13 Q Okay. Do you have any education or
14 training in plumbing?

15 A No.

16 Q How about water mitigation or mold
17 mitigation?

18 A No.

19 Q Besides the case that we're here about
20 that you filed against Charter Oak, have you ever
21 filed another lawsuit against anyone or any company?

22 A Yes.

23 Q And what -- what lawsuits were those?

24 A Car accident.

25 Q Okay. And who did you sue?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

21

1 A I don't recall the name or the company.

2 Q Okay. And was it the employer of the
3 person that hit you?

4 A Yes. I believe it was their insurance.

5 Q Okay. You sued the insurance company.

6 Do you remember what court that was filed
7 in?

8 A No. It didn't go to court. Mediation.

9 Q Did you ever file suit? You actually
10 filed lawsuit against the -- for the car accident?

11 A I had an attorney that took care of that.

12 Q You don't recall in which county or what
13 court that lawsuit was filed?

14 A I'm not sure which county that lawsuit was
15 filed in.

16 Q Okay. And did the case settle in the
17 mediation?

18 A Yes.

19 Q And when did it settle?

20 A Last year.

21 Q Okay. And how much was the settlement?

22 MR. VILLANI: I object to requesting that.
23 That has nothing to do with the case and it's beyond
24 the scope of discovery, I believe.

25 MS. KARABINOS: Are you directing her not

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

22

1 to answer that?

2 MR. VILLANI: I'm putting my objection on
3 the record.

4 BY MS. KARABINOS:

5 Q Okay. Subject to that objection,
6 Miss Scott, you can answer that.

7 A Excuse me. What was your question again?

8 Q How much did you settle for?

9 A 37,000.

10 Q Any other lawsuits that you've previously
11 filed?

12 A No.

13 Q Okay. Prior to your employment with North
14 Fulton Neurology, where did you work?

15 A That's been so long. I don't remember.

16 Q What was your position at North Fulton
17 Neurology? Were you a medical assistant?

18 A Yes.

19 Q All right. So we talked about that you
20 had purchased the property back in 1988; is that
21 correct?

22 A Yes.

23 MR. VILLANI: I object to the form of the
24 question, because she said -- she didn't say that
25 she purchased the property.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

23

1 MS. KARABINOS: That's true.

2 You said you lived there.

3 That's right. You're right.

4 BY MS. KARABINOS:

5 Q Did you purchase the property in 1988?

6 A Yes.

7 Q Okay. And from whom did you purchase the
8 property?

9 A Habitat for Humanity.

10 Q And if I understand correctly, in the
11 Habitat for Humanity home you would have paid a
12 monthly mortgage to that organization until you paid
13 that off; is that correct?

14 A Right.

15 Q How much were your monthly payments?

16 A 318.

17 MR. VILLANI: Can you please repeat that,
18 Miss Scott.

19 THE WITNESS: 318.

20 MR. VILLANI: \$318. Sorry. My audio is
21 going in and out. I do apologize, Counsel and Madam
22 Court Reporter.

23 THE WITNESS: It's okay.

24 BY MS. KARABINOS:

25 Q Have you since paid off that mortgage?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

24

1 A Yes.

2 Q When did you pay it off?

3 A 2017.

4 Q Do you have -- currently have any other
5 mortgages on the property?

6 A No.

7 Q Now, since you purchased the property in
8 1988, did you have any what I would call home
9 warranty companies that would come and make repairs
10 to your home, if need be?

11 A Yes.

12 Q And what was the name of the company that
13 you have obtained a home warranty from?

14 A Total Protection.

15 Q Say that again?

16 A Total Protect.

17 Q Okay. Any others?

18 A No.

19 Q Have you ever had a home warranty with
20 HomeServe?

21 A HomeServe is the water line -- the water
22 line service.

23 MR. VILLANI: Can you repeat that,
24 Miss Scott.

25 THE WITNESS: HomeServe is the water line

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

25

1 service that covers my water lines.

2 BY MS. KARABINOS:

3 Q And when did you first get a home warranty
4 with HomeServe?

5 A I'm not sure the date, ma'am.

6 Q Do you currently have a home warranty with
7 them?

8 A Yes.

9 Q And when's the last time you've used or
10 called HomeServe to your home?

11 A The last time I used them was when the
12 pipe burst back in 2018.

13 Q You called them and they came out to your
14 home?

15 A They did.

16 Q Okay. What did they observe?

17 MR. VILLANI: I would object to the form
18 of the question. She doesn't know what people see.
19 And many times people -- when they see something,
20 they don't even know what they're seeing. So I
21 would object to the form.

22 BY MS. KARABINOS:

23 Q Did you have any conversations with them
24 about what they observed?

25 A No.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

26

1 Q Did they tell you what was wrong?

2 A Yes.

3 Q What did they tell you?

4 A They told me they seen a leaky pipe.

5 Q Where?

6 A One was in the wall between the kitchen
7 and the bathroom.

8 Q And the other?

9 A One behind the bathtub.

10 Q Do you have any records regarding their
11 visits after the pipe burst in 2018?

12 A I do, but I don't have it in front of me.

13 Q Okay. Do you have that there at your
14 home?

15 A Yes.

16 Q Okay. Can we go off the record for you to
17 get that document, please.

18 A Okay.

19 (Off-the-record discussion.)

20 THE WITNESS: I'm sorry. When -- when
21 HomeServe come out, they just come out.

22 BY MS. KARABINOS:

23 Q Miss Scott, do you have any contact
24 information for HomeServe?

25 MR. VILLANI: I think she's on her laptop.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

27

1 That's why you're looking at the ceiling. She
2 probably opened her laptop to look.

3 THE WITNESS: Hold on.

4 MS. KARABINOS: Take your time.

5 MR. VILLANI: Miss Scott, did you hear her
6 question? She wanted to know if you had any contact
7 information for HomeServe?

8 THE WITNESS: I'm looking for it now. I'm
9 trying to find it right now.

10 MS. KARABINOS: Okay. Take your time.

11 MR. VILLANI: Counsel, I think we gave you
12 contact information during discovery.

13 MS. KARABINOS: No. I did not have
14 anything for HomeServe. And we've tried to send a
15 nonparty RPD to HomeServe based on the information
16 from the Secretary of State's Office and Secretary
17 of State registered agent says that they no longer
18 are registered agents for HomeServe. So we have not
19 been able to procure any information from HomeServe.

20 MR. VILLANI: I'm sorry about that.

21 I got the same thing with a trucking
22 company. The registration is out in Savannah. And
23 we had the sheriff go there about three or four
24 times and knock on the door. He says, I don't --
25 I'm no longer a registered agent.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

28

1 But the secretary said, you're the
2 registered agent.

3 A The phone number I have for HomeServe is
4 1-877-444-7750.

5 BY MS. KARABINOS:

6 Q And what are you looking at there,
7 Miss Scott, to provide us with that information?

8 A This is a letter for a renewal service. I
9 don't have the current one with me, but this one is
10 dated March 4th of '20.

11 Q All right. Did individuals with HomeServe
12 come out to your property in 2018 when the pipe
13 burst?

14 A Yes.

15 Q Okay. What month did they come out?

16 MR. VILLANI: I'm sorry, Counsel.

17 Miss Scott, can you get all of the
18 paperwork you have from HomeServe -- I don't care if
19 it's a letter, a little scrap of piece of paper
20 where you had a note about it -- put that together.
21 Give it to me; so I can make sure that Karen has it,
22 please, Miss Scott.

23 THE WITNESS: Okay. I'll get it out to
24 you. I'll fax it to you.

25 MR. VILLANI: Don't get it today while

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

29

1 you're on deposition. That's okay.

2 MS. KARABINOS: That's okay. I was making
3 a list, Ralph. You knew exactly what I was going to
4 be asking for; so thank you.

5 BY MS. KARABINOS:

6 Q And the last time they came out was in
7 2018; is that right, Miss Scott?

8 A Yes.

9 Q And what month was it?

10 A They came out October 1st.

11 Q Okay. All right. And did they tell you
12 what was causing the leak that was between the
13 kitchen and the bathroom and the one behind the
14 bathtub?

15 A What was causing it?

16 Q Yes.

17 A What do you mean?

18 Q Was it a burst where the pipe actually
19 burst? Was it just a screw that was unloose? What
20 was it?

21 A The pipe burst. I have the polybutylene
22 pipes.

23 Q Okay. What did they recommend?

24 A They be -- that they be fixed. They fixed
25 the pipe.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

30

1 Q Did they suggest that you have all the
2 polybutylene pipe in your home replaced?

3 A No. They just fixed it. They didn't say
4 anything about replacing them.

5 Q Has anybody, an individual or a company,
6 ever told you that you need to have all the
7 polybutylene pipe in your home replaced?

8 A No.

9 Q How much did you pay for the repair for
10 that pipe? Let me ask: Was it one pipe or two
11 pipes that burst?

12 A It was --

13 MR. VILLANI: Counsel, I object to the
14 form of the question, because we have two different
15 claim dates. I think one is 9/29; the other one is
16 around 9/5.

17 MS. KARABINOS: I'm going to object. She
18 testified earlier that the only date of loss upon
19 which this lawsuit was based is September 29th of
20 2018. That's what she testified to.

21 MR. VILLANI: I'm sorry?

22 THE WITNESS: Excuse me?

23 MS. KARABINOS: You testified when I asked
24 you earlier about the date upon which you have filed
25 this lawsuit against Charter Oak for the damages was

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

31

1 September 29th, 2018. That's what you testified
2 earlier this morning.

3 MR. VILLANI: Yeah. But you didn't ask
4 her if that was the only thing. I'm going to
5 object, because in the complaint it mentions two
6 dates.

7 MS. KARABINOS: Okay. I'm going to object
8 too. You know, do not instruct your witness about
9 what she should be testifying to. If you need to
10 clarify, you can do that in redirect.

11 MR. VILLANI: You're right. I do
12 apologize.

13 BY MS. KARABINOS:

14 Q Okay. So, Miss Scott, earlier today you
15 testified that the date that the water leak occurred
16 was on September 29th, 2018; is that correct?

17 A I had one before that, but I don't
18 remember -- I'm not sure how to answer this
19 question.

20 Q Okay. So let's go back.

21 What was the first date that you had a
22 water leak in your home?

23 MR. VILLANI: I object to the form of the
24 question. Are you talking about the first date
25 that's in the lawsuit or the first date that she

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

32

1 ever had a leak? So please clarify, Karen.

2 BY MS. KARABINOS:

3 Q I'm going to go back and see if I can
4 refresh your memory. And we're going to go back to
5 the very first time that you had any water leak at
6 your home. Okay? Regarding the pipes at your
7 house. Do you recall the very first time that you
8 had a water leak?

9 A I had a pipe burst -- I'm not exactly sure
10 what year it was. That was behind my refrigerator
11 that bust. It was, like, 5:00 in the morning. It
12 bust and the fire department came and helped me
13 squeegee out the water. Once that happened, I --
14 once -- because it was 5:00 in the morning, I did
15 not call HomeServe until after daylight. Maybe 8:00
16 I called them, but at 5:00 in the morning the best
17 thing I thought to do was to call the fire
18 department to help me to get the water shut off.
19 And they came and helped. They shut the water off.
20 They squeegeed it out. I think it was, like -- I'm
21 not sure about the year it was, but that's when the
22 first one behind the refrigerator bust early in the
23 morning.

24 Q Did you call HomeServe after it became
25 light and --

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

33

1 A Yeah.

2 Q -- you were able to get somebody?

3 A Yes.

4 Q Okay. Did HomeServe come out or did they
5 send somebody out on their behalf?

6 A They sent somebody out on their behalf.

7 Q Okay. I'm going to share my screen with
8 you. So if you need to, you know, enlarge it or you
9 need me to enlarge the document.

10 (Scott Deposition Exhibit 1 was marked for
11 identification and attached to the transcript.)

12 BY MS. KARABINOS:

13 Q The first thing we're going to look at is
14 Exhibit Number 1. I'll represent to you that these
15 are 437 pages of documents that your attorney
16 produced in the lawsuit. And don't get worried.
17 We're not going to go through every single page.
18 We're just going to talk about some of them. Okay?

19 A Okay.

20 Q So let me see if I can share my screen.

21 Miss Scott, do you see that it says
22 Exhibit Number 1 right up there?

23 A Yes.

24 Q Okay. I'm going to direct your attention
25 to -- hold on -- Page 63. And what you'll see is

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

34

1 that at the bottom here where I've got my cursor,
2 I've Bates stamped J Scott 0063. So that's what
3 we're looking at. This appears to be a invoice
4 service order from Delmar Construction. Do you
5 remember Delmar Construction coming out to your
6 house?

7 A Delmar Construction was not a part of
8 HomeServe.

9 Q Why would Delmar Construction come out to
10 your house on August the 9th, 2016?

11 A Okay. They came out because the pipe
12 behind the bathtub had popped; it burst.

13 Q Say that one more time.

14 A The pipe behind the bathtub had bust. But
15 that was not from HomeServe.

16 Q So the first loss that you can recall that
17 happened behind the fridge at 5:00 a.m., HomeServe
18 came out, but it was not Delmar Construction?

19 A No.

20 Q Okay. So looking here on Page 63, we've
21 got August 9th, 2016. So was the water leak behind
22 the fridge that you just spoke about -- was that
23 before or after Delmar came?

24 A After.

25 Q Okay. So HomeServe came after Delmar?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

35

1 A Right.

2 Q Now, looking here at the invoice that was
3 produced by your attorney -- if you need me to --
4 let me see if I can make it a little bit bigger. It
5 says: Pipe leak behind freezer.

6 Was that different than the refrigerator,
7 or did you have a separate freezer? You see right
8 here: Pipe leak behind freezer.

9 MR. VILLANI: Object. Because I can't
10 read that either.

11 Can you make it a little larger.

12 BY MS. KARABINOS:

13 Q Pipe leak behind freezer.

14 MR. VILLANI: That also looks like it
15 could be refrigerator, Counsel.

16 MS. KARABINOS: If your witness can't
17 understand what it is, let her tell us. Not that
18 you can't read it.

19 BY MS. KARABINOS:

20 Q Miss Scott?

21 A I'm trying to remember, ma'am. I'm not
22 sure. This happened over some time. I'm not
23 exactly sure when these pipes burst. I just keep
24 all the records that I have when they give me. But
25 he came from Total Protect.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

36

1 Q Delmar came out there by Total Protect?

2 A Right. Not HomeServe.

3 Q Okay. When did you start getting Total
4 Protect?

5 A I just got them maybe a couple years ago,
6 but I been had Total Protect for a long time.

7 Q Who did you first get a couple of years
8 ago?

9 A HomeServe.

10 Q Okay. What year did you get HomeServe?

11 A I'm not exactly sure what year I got
12 HomeServe.

13 Q So if you just said that you got HomeServe
14 just, you know, a couple of years ago, was HomeServe
15 the company that you called out after you saw water
16 leaking behind your refrigerator at 5:00 a.m. that
17 morning, or was that Total Protect?

18 A Total Protect.

19 Q Okay. Was Delmar Construction the company
20 that came out as requested by Total Protect?

21 A Correct.

22 Q Okay. So is this invoice that we're
23 looking at on Page 63 of Exhibit Number 1 from
24 Delmar Construction -- is that the invoice regarding
25 the service for that leak behind the refrigerator at

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

37

1 5:00 a.m.?

2 A It would be.

3 Q Okay. And that was also -- they looked at
4 your bathtub as well; correct?

5 A Correct.

6 Q Okay. That was in 2016. How long did you
7 have Total Protect? Do you know?

8 A I had them for years. I don't remember
9 exactly when I got them.

10 Q Okay. And what made you change from Total
11 Protect to HomeServe?

12 A I still have both.

13 Q You still have both?

14 A I do.

15 Q And why --

16 A With Total Protect there's a large
17 deductible. You have to pay ahead. With HomeServe,
18 I don't have to pay a deductible.

19 Q Okay. Is HomeServe just for your water
20 line?

21 A It is.

22 Q And what does Total Protect do?

23 A Total Protect protects everything:
24 Washer, dryer, stove, refrigerator,
25 air-conditioning, fans.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

38

1 Q And how much is the deductible with Total
2 Protect?

3 A \$125.

4 Q And is that per month or year?

5 A You're saying my deductible? Every time
6 that they come I have to pay \$125.

7 Q Okay. Do you have any contact information
8 for Total Protect?

9 A Let's see the phone number. I just had
10 them.

11 Their phone number is -- their phone
12 number is 1-800-47 -- 474 --

13 MR. VILLANI: Can you repeat that.

14 THE WITNESS: Huh?

15 MR. VILLANI: Can you repeat that. I
16 heard 1-800. I didn't hear the rest of that.

17 A 474-4047.

18 BY MS. KARABINOS:

19 Q And do you have an address for them?

20 A It says Total Protect Home Warranty, PO
21 Box 550247, Fort Lauderdale, Florida 33355.

22 Q Thank you.

23 When would you file a claim or a request
24 for service from Total Protect versus HomeServe?

25 A I'm not understanding what you're saying.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

39

1 Q Okay. You talked about that you had two.
2 You got Total Protect and you have HomeServe; right?

3 A Right.

4 Q Okay. When would you ask Total Protect to
5 come out versus when would you ask HomeServe to come
6 out?

7 A Now that I have HomeServe, I don't use
8 Total Protect for my water lines.

9 Q Okay. And you don't recall, sitting here
10 today, when you started with HomeServe; is that
11 correct?

12 A HomeServe is recently. I don't --

13 Q Do you have any type of contract with them
14 that you have a copy of?

15 A I do.

16 Q Okay. And --

17 A I think April 2017 was the first one.

18 Q Is it HomeServe, H-O-M-E -- same --
19 S-E-R-V-E? Is it one word or two words?

20 A It's one word.

21 Q Okay. And is there an E on the end.

22 A Yes.

23 Q Okay. And do you have an address for
24 them? I know you gave us the cell -- the office
25 number.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

40

1 A It's 1232 Perimeter [sic] Drive, Suite
2 1 -- Perimeter -- if I'm saying it right,
3 P-R-E-M-I-E-R -- Drive, Suite 100, Chattanooga,
4 Tennessee 37421.

5 Q Thank you.

6 MR. VILLANI: Read it again, please. The
7 street name, spell that. P what?

8 THE WITNESS: P-R-E-M-I-E-R Drive.

9 MR. VILLANI: Premier. Okay. Thank you.

10 MS. KARABINOS: Thank you.

11 THE WITNESS: Suite 100 if you didn't get
12 that.

13 MR. VILLANI: What was the number again?
14 I'm sorry.

15 THE WITNESS: Suite 100.

16 MR. VILLANI: Thank you.

17 BY MS. KARABINOS:

18 Q All right. So was the 2016 loss that
19 Delmar came out to your home -- was that the first
20 water leak that you had at your home?

21 A No.

22 Q What was the first water leak?

23 A The first water leak was behind the
24 bathtub.

25 Q And what year was that?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

41

1 A I don't remember, ma'am.

2 Q Do you remember who came out?

3 A No.

4 Q Do you remember what the issue was?

5 A A bursted pipe.

6 Q And did -- I guess, was your house built
7 with polybutylene piping?

8 A Yes.

9 Q Okay. Have you ever had it fully
10 replaced -- removed and replaced with different
11 piping since you've been there?

12 A No.

13 Q How many times, as you sit here today, do
14 you recall that you've had your polybutylene pipe
15 burst?

16 A I'm not sure.

17 Q More than five?

18 A No.

19 Q So five or less?

20 A Yes.

21 Q Okay. All right. We're going to still be
22 looking at Exhibit Number 1. I'm going to go back
23 to Page 58 of the document. I'm going to change my
24 view so we're looking at Page 58. Do you see that
25 right here on the right-hand side? This is, again,

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

42

1 part of the documentation that your attorney
2 produced to us. It says Head's Plumbing Sales &
3 Service. Have they ever been out at your house
4 before?

5 A They replaced my water heater.

6 Q And this was in -- November 16th, 2018;
7 right?

8 A Right.

9 Q Why did your water heater need to be
10 replaced?

11 A The hot water heater -- it stopped
12 working.

13 Q Okay. So this particular invoice from
14 Head's Plumbing Services for November the 16th,
15 2018, is to relight your water heater. Do you see
16 that?

17 A Yeah. But it's not -- I mean, it's not
18 working. I don't know how to light it.

19 Q Did you physically have your water heater
20 replaced?

21 A It's been replaced, yes.

22 Q When was it replaced?

23 A I don't remember the year that it was
24 replaced.

25 Q Okay. Was -- do you know why you had to

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

43

1 have it replaced?

2 A It wasn't -- the water -- some reason the
3 water was not heating up in there. It stopped
4 heating up.

5 Q Did you have any leak from the water
6 heater?

7 A No.

8 Q Okay. All right. Next one we're going to
9 look at is on the next page, which is 59 of Exhibit
10 1. This is Hers & His Plumbing. Have they ever
11 come out to your house?

12 A Yes.

13 Q Okay. This is for an invoice of October
14 18th, 2018. And it says: High water bill and high
15 water pressure. Whole house piped in polybutylene
16 pipe. Has been repaired numerous times. Recommend
17 total replacement of all water pipes in home and
18 install pressure reducing valve to protect pipes,
19 valves, and faucets.

20 Do you see that?

21 A Yes.

22 Q Did I read that correctly?

23 A What it says, yes.

24 Q Why did Hers & His Plumbing come out in
25 October of 2018?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

44

1 A After the pipe had burst, they came out
2 and fixed the pipe. And I needed -- they told me I
3 needed a -- what do you call that -- a pressure
4 valve. And they fixed the pressure valve. And
5 since fixing the pressure valve, I haven't had any
6 pipes burst.

7 Q So this is a company that had recommended
8 that you replace all of the polybutylene throughout
9 your home; is that correct?

10 A According to this, yes, that's what it
11 says.

12 Q Did you speak with the individual -- I
13 believe Jerry is the name of the technician -- from
14 Hers & His Plumbing when he came out?

15 A I did.

16 Q Okay. And he came out -- and the
17 information about that the whole house piped in
18 polybutylene pipe had been repaired numerous times.
19 Where would he have gotten that information from?
20 You?

21 A No, he wouldn't have got it from me. He
22 would have got it from when he was under the house
23 looking. I don't know what's under the house.

24 Q So he went up underneath the house?

25 A Yes.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

45

1 Q Did he tell you what he observed
2 underneath the house?

3 A That I did not have a pressure valve. He
4 said that's what's causing the pipes to burst. The
5 pressure was too high. And he said I needed a
6 pressure valve, which I got a new pressure valve put
7 in when there was never one in the house.

8 Q When did you get a new -- not a new one,
9 but when did you install your very first pressure
10 valve?

11 A Shortly after this.

12 Q Did Hers & His Plumbing do that for you?

13 A Yes.

14 Q Okay. Since that date, you've not had any
15 water leak at your home; is that correct?

16 A Correct.

17 Q Okay. Let me see here. This is a invoice
18 that is Bates stamped J Scott 0060. And I cannot
19 read it. This is the condition it came in from your
20 attorney. Do you believe they replaced -- not
21 replaced -- they installed the pressure valve on the
22 same day that they were out there on October 18th,
23 2018?

24 A I believe so. It was \$350 to get it done.

25 Q Okay. And did you pay that?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

46

1 A I did.

2 Q And was that -- did you get any of that
3 covered by HomeServe?

4 A No. It wasn't covered by anybody. I had
5 to pay for it.

6 Q And do you have a copy of the check that
7 you paid?

8 A I didn't pay by check; I paid by my debit
9 card. And it's been a while and I don't have that
10 record. That check -- I mean, the copy of anything
11 from that. It's been a while. I don't have a
12 statement on that.

13 Q And where do you bank -- where did you
14 bank in 2018?

15 A Excuse me?

16 Q Where did you bank in 2018?

17 A Bank of America.

18 Q Okay. And you believe it may have come
19 from a debit card transaction through your account
20 at Bank of America?

21 A Yes.

22 Q Okay. So we've established that since
23 October the 18th of 2018 you have not had any other
24 water leaks; is that right?

25 A Correct.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

47

1 Q Do you recall Hers & His Plumbing coming
2 out at any other time to your home prior to October
3 2018?

4 A They came -- the last -- they came on
5 October 1st. And the guy came -- he said, I can't
6 go under there.

7 And I'm like, huh?

8 He said, there's mold under there.

9 I'm like, what? What's that? Because I
10 didn't know what it was.

11 MR. VILLANI: I object to the response as
12 not responsive. And she's going to be -- and I
13 object to the answer. It's hearsay.

14 BY MS. KARABINOS:

15 Q Go ahead, Miss Scott.

16 So was Hers & His -- they came out before
17 October 18th, 2018, to address another matter; is
18 that right?

19 A They came out to address the matter that
20 we are talking about.

21 Q Okay. And what date did they come out?

22 A October 1st.

23 Q Okay. And you called them or did
24 HomeServe call them?

25 A HomeServe.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

48

1 Q And what was -- and you called HomeServe
2 to tell them what?

3 A The pipe burst. I don't know when the
4 pipe burst under there. Whatever happened, I called
5 them on September 29th of 2018.

6 Q Okay.

7 A Which was a Saturday.

8 Q And that -- that's when you first noticed
9 that there was water leaking; right? September the
10 29th, 2018?

11 A I didn't know the water was leaking.

12 Q What --

13 A I just -- ma'am, I'm trying to explain.

14 Q Okay. Go ahead.

15 A What I noticed was my towel rack that sits
16 over my toilet kept leaning over. I never saw the
17 water. I never heard water. When it leaned toward
18 me, I'm trying to figure out what was going on. And
19 then when I sat down on the toilet, that's when I
20 heard it. I never saw it.

21 So I called them to tell them that I
22 thought it might be a pipe burst under there or in
23 the wall, because you couldn't see water anywhere.

24 Q What did you hear?

25 A It sounded like it was raining outside.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

49

1 Q So that was on Saturday, September the
2 29th?

3 A Correct.

4 Q And you didn't see any water leaking, but
5 you heard water running?

6 A I heard water running, but I didn't know
7 where it was coming from. Since I had a warranty
8 company, I'm going to always call the warranty
9 company first and let them know what's going on so
10 they can come out and fix it, because I'm paying
11 them for that service.

12 Q So did you call them on the 29th of
13 September 2018?

14 A Yes.

15 Q Okay. And they came out on what date?

16 A They said they couldn't get anybody out
17 until Monday, which was October 1st.

18 Q Okay. And HomeServe sent out Hers & His
19 Plumbing?

20 A Yes.

21 Q Okay. And who came out with Hers & His
22 Plumbing?

23 A I don't remember the guy's name.

24 Q It was a man, though?

25 A Yes.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

50

1 Q Okay. And do you have a copy of that
2 worksheet or --

3 A Ma'am, I've given you everything that I
4 have. I gave it to the attorney.

5 Q Okay. I'm going to show you what we've
6 got so far. We've got Page 58, which we've looked
7 at, which is the Head's Plumbing Sales & Service for
8 relighting the water heater. We've got Page 59 of
9 Exhibit 1, which is Hers & His, which we've already
10 looked at about them coming out on October the 18th,
11 2018. Then we've got another Hers & His, which is
12 on -- I can't -- I can't see what the date is. Do
13 you have a better copy of this particular invoice
14 with you, Miss Scott? It looks like --

15 A I don't have it.

16 Q Okay. Then we've got a Head's Plumbing
17 for 9/6/2018. And then I've got a Hers & His
18 Plumbing for January 30th, 2018.

19 A That's in the yard. Ain't got nothing to
20 do with in the house.

21 Q Okay. I'm just telling you what we got.

22 Okay. Then we've got the Delmar
23 Construction one on Page 63 that we talked about.

24 Then we've got Hers & His Plumbing for
25 March 7th, 2012, water main under house leaking.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

51

1 Polybutylene water line. Repair water line.

2 That's all of the repair documents that I
3 have regarding water in your home. Are you aware of
4 any others that you might have?

5 A No.

6 Q Okay.

7 A Can I say this? Since I have a warranty
8 company that fixes my water pipes and I've had one
9 for a while, I've never known that I needed to call
10 the insurance because the water line burst. Nobody
11 ever said anything about when you have a pipe that
12 burst in your house, you need to call them. So I
13 always use my warranty company and get all the water
14 dried up. And that's it as far as I know until this
15 happened with the -- in the walls.

16 Q Okay. And what prompted you to call and
17 report the loss to Charter Oak at this time in
18 October of 2018?

19 MR. VILLANI: I object to the form of the
20 question. There's nothing in the evidence to show
21 that she called Charter Oak. Please ask her who she
22 called. That's my objection.

23 BY MS. KARABINOS:

24 Q What prompted you to decide that you
25 needed to file an insurance claim?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

52

1 A I called Travelers because when they saw
2 mold, I didn't know what mold was. And my warranty
3 did not cover mold; so they said --

4 I asked, who do I need to talk to?

5 They said, you need to talk to your
6 insurance.

7 That's what prompted me to call y'all,
8 because I didn't know about mold.

9 Q All right. And who observed the mold?

10 A One of the plumbers.

11 Q And was that the plumbers from Hers & His
12 Plumbing?

13 A Yes.

14 Q And he observed mold underneath your home?

15 A Yes.

16 Q In the crawlspace?

17 A Yes.

18 Q Did he see water leaked into your home?

19 A I'm not sure.

20 Q Into the -- okay. Did he tell you about
21 what he found that might have prompted you to hear
22 the sound of water running?

23 A He didn't tell me anything. The only
24 thing he said was, oh, there's mold under there.
25 I'm not going under there.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

53

1 And then when he said that, I'm like,
2 okay. So what are we supposed to do about the water
3 that I hear?

4 Q Okay. What did he tell you?

5 A He said, I don't see any under here, but
6 there's mold from what I can see from the
7 crawlspace.

8 I don't -- I don't see anything, but I
9 hear it when I sit on the toilet.

10 He said, maybe it's your toilet leaking.

11 I said, no, it's not.

12 He said, there's mold under the house; so
13 I'm not going under your house. And he said, you
14 need to get that fixed and then call us back.

15 I said, okay. Who do I call for that?

16 He said, your insurance.

17 So that's why I called the insurance.
18 I've never used my insurance, because I don't want
19 them to cancel every time something happened.

20 Q So you called --

21 MR. VILLANI: Can we take a ten-minute
22 break. I have to really take a ten-minute break.
23 I'm sorry.

24 MS. KARABINOS: Okay. I guess we'll take
25 a ten-minute break then.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

54

1 (Recess taken from 11:06 a.m. to 11:16
2 a.m.)

3 BY MS. KARABINOS:

4 Q Miss Scott, while we were off the record
5 you asked me to clarify about who -- what company I
6 represent. And I told you earlier that I represent
7 Charter Oak.

8 And so I'm going to show you part of
9 Exhibit Number 1, which, again, is the documents
10 that your attorney produced to us in discovery.
11 We're going to go to Page 397 of that document.
12 This is a copy of your policy. And we're looking at
13 here at what's called the dec page. Do you see
14 that?

15 A I don't see that.

16 Q I probably haven't -- have I not shown it
17 to you yet? Hold on. Sorry about that.

18 How about that? Can you see that --

19 A Okay.

20 Q -- Miss Scott?

21 A Yes.

22 Q All right. If you go down to the second
23 page, it says your insurer is The Charter Oak Fire
24 Insurance Company.

25 So that is one of the underwriting

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

55

1 companies underneath the Travelers umbrella, if you
2 will. So the actual defendant in this case, which
3 has been corrected by your attorney, is The Charter
4 Oak Fire Insurance Company. That's who would be
5 liable should you recover for any of the damages.
6 Okay?

7 A Okay.

8 Q Does that clear up that for you?

9 A Yeah. Because I'm like, wait a minute. I
10 thought I was with Travelers. At least that's who I
11 thought I was paying for the Travelers.

12 Q That's the actual underwriting company.
13 Then let's go back here. Let me rotate the view
14 again. Remember we were not able to see what this
15 particular invoice from Hers & His Plumbing. I
16 believe I found another copy that shows what this
17 is. This is another one, Hers & His Plumbing, the
18 date is 10/1/2018, from a technician, John D. And
19 it says: Water supply line to tub was leaking
20 causing high water bill. Repaired line to correct
21 problem.

22 Is that when the company that came out
23 when you reported to HomeServe about the rushing
24 water?

25 A Yes.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

56

1 Q Okay. And --

2 A I think --

3 Q Go ahead. I'm sorry.

4 A So when he came out, he found the leak.

5 After he left, I still heard water. So the one that
6 I was complaining about was not fixed.

7 Q Okay. Let me make sure I completely
8 understand you.

9 So Hers & His Plumbing came out on October
10 1st when you called HomeServe on Saturday, September
11 29th, 2018?

12 A Correct.

13 Q They found this leak to the supply line to
14 the tub. And then it was somebody else that came
15 out and went underneath your crawlspace of your
16 home?

17 A Yeah. His name was John too. He didn't
18 go in the crawl -- he just opened the door.

19 Q All right. Was he from the same company,
20 Hers & His Plumbing?

21 A Yes.

22 Q Did he come out on a different date than
23 October 1st, 2018?

24 A Yes.

25 Q When did that guy come out?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

57

1 A This guy came out -- the first John came
2 out on Monday --

3 Q Okay.

4 A -- the 1st. On the 3rd, the next John
5 came out and said when he opened the door he smelled
6 mold and he was not going under the house.

7 Q Okay. And, again, that individual who you
8 think was probably named John as well -- he was with
9 Hers & His Plumbing too?

10 A Right.

11 Q Why did he come out two days after John D.
12 fixed the water supply line?

13 A Because I still heard water.

14 Q Did you call back HomeServe and tell them
15 that you still were hearing water?

16 A I did.

17 Q Okay. So that was the same water that
18 prompted you to call them on September the 29th;
19 correct?

20 A Correct.

21 Q Okay. Do you have any records of
22 Hers & His Plumbing coming out in response to your
23 complaint that you still heard water running and
24 that -- do you have anything to document them coming
25 out?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

58

1 A He didn't give me anything, because he
2 didn't do anything.

3 Q Okay. So he opened up the door, he told
4 you he smells mold, I'm not going underneath;
5 correct?

6 A Correct.

7 Q And you -- I believe you testified
8 earlier -- and if I misconstrue your testimony,
9 please correct me. You said, well, what about the
10 water leaking?

11 And he says, I don't see any water
12 leaking.

13 Is that what he said?

14 A He said he didn't see any water.

15 Q Okay.

16 A But I could hear water. And I told him --
17 I said, well, what are we going to do about cutting
18 off the water? I don't know where it is. I don't
19 see it running anywhere, but what am I going to do?
20 I hear it.

21 Q What did he tell you?

22 A He didn't tell me anything. He said, you
23 need to get the mold fixed first and then we can
24 talk about whatever else. We can figure it out
25 later, but the mold got to be fixed.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

59

1 When he said that, I asked him, who do I
2 call about the mold?

3 I called HomeServe back. They said, we
4 don't do mold.

5 I called Total Protect: We don't do mold.
6 Call your insurance.

7 So since y'all are my insurance, I called
8 y'all.

9 Q Okay. And you called your insurance
10 company, my client, on October the 3rd, the --

11 A Yes.

12 Q -- same day the guy observed the mold --
13 or smelled the mold?

14 MR. VILLANI: I'll just object to the form
15 of the question, because you indicated to her your
16 client is Charter and she's been indicating that she
17 called, quote/unquote, Travelers. I really would
18 like you to clarify that, because I'm sure the
19 record is going to reflect.

20 MS. KARABINOS: That's a legal argument,
21 Ralph. We've already determined and you've agreed
22 that Charter Oak is the company that's liable. So
23 Charter Oak and Travelers -- she can just say she
24 called her insurance company.

25 BY MS. KARABINOS:

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

60

1 Q Miss Scott, you called your insurance
2 company; correct?

3 A Correct.

4 Q And what did you tell them?

5 A I told them that I was told that I had
6 mold under my house and I wanted to know what do I
7 need to do to get it fixed.

8 Q And what did they say?

9 A They said they would schedule somebody to
10 come out and look.

11 Q When did that person come out?

12 A They came out the next day.

13 Q So that would have been October 4th?

14 A Yes.

15 Q And do you remember who came out?

16 A Hold on.

17 Jeffrey Teitelbaum.

18 MS. KARABINOS: For the court reporter,
19 you spell his name T-E-I-T-E-L-B-A-U-M.

20 MR. VILLANI: Can you spell that again,
21 Counsel.

22 MS. KARABINOS: T-E-I-T-E-L-B-A-U-M.

23 BY MS. KARABINOS:

24 Q And did he come by himself?

25 A Yes.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

61

1 Q Okay. And who was present besides you and
2 Mr. Teitelbaum?

3 A Just me and him.

4 Q Okay. All right. Now, between October
5 3rd when you called your insurance company and when
6 Mr. Teitelbaum came out, did you have anybody else
7 take a look at your home?

8 A No.

9 Q Were you still hearing the water running
10 with your toilet?

11 A Yes.

12 Q Okay. And did you show Mr. Teitelbaum
13 your toilet?

14 A I showed him where I thought it might have
15 been, because I kind of snooped around trying to
16 figure it out myself.

17 And when I showed it to him, he was like,
18 that's the toilet.

19 I'm like, no. That's right here
20 underneath the water thing. So I'm not sure where
21 it's coming from, but it's sounding like it's right
22 here between the wall and -- between the wall in the
23 kitchen and the wall in the bathroom.

24 Q What did he say?

25 A He didn't say nothing after that.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

62

1 Q Did he open up any walls?

2 A He didn't say anything. I just showed him
3 what I thought it might have been.

4 He just said, that's the toilet.

5 And that's all he said. But he didn't say
6 anything else after that.

7 Q Okay. Let me go back to one thing here.
8 Between 2016 and when Delmar Construction came out
9 and found the pipe leak behind the freezer and the
10 tub valve leak that we talked about and when you
11 heard the water running on September 29th, 2018, did
12 you have any other water leaks in your home, that
13 you were aware of?

14 A Not that I was aware of.

15 Q Let's go back to Exhibit Number 1.

16 A I don't remember what happened between '16
17 and now.

18 Q Okay. Looking at Exhibit Number 1, Page
19 61 of those documents, there is a repair water
20 service line, Head's Plumbing, on January the 6th,
21 2018. Do you see that?

22 A That's in the front yard. That is not in
23 the house.

24 Q Right. And there's a note here that they
25 recommend replacement of the service line. Did you

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

63

1 replace the service line?

2 A They replaced the line.

3 Q Or did they repair it? Do you recall?

4 A They repaired the line.

5 Q Okay. But no replacement. All right.

6 A That's too much to replace all the pipes,
7 ma'am. I couldn't afford that.

8 Q Then we've got Hers & His Plumbing came
9 out to your house on January 30th of 2018. Why did
10 they come out at that point?

11 A That's in the yard too.

12 Q Okay. What was leaking at that point?

13 A A pipe had burst in the yard.

14 Q Okay. How close to the house was it?

15 A It was closer to the street.

16 Q All right. So when you called on
17 September 29th to HomeServe, that was because you
18 heard water from the -- like it was raining near the
19 toilet; correct?

20 A I don't know where it was. It just sound
21 like -- when you were in the bathroom, if you sit on
22 the toilet, it sound like it was raining. I don't
23 know where it was.

24 Q All right. And then they came out --
25 HomeServe sent Hers & His Plumbing. They came out

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

64

1 on October 1st, that Monday. They repaired a water
2 supply line to the tub; right? And that did not
3 stop the water sound that you heard?

4 A No, it did not.

5 Q And then we talked about on October 3rd
6 another guy came out. He's the one that opened the
7 door to the crawlspace, smelled mold, said he didn't
8 observe any water leaking.

9 You said, what are we going to do.

10 And he said, call your insurance company.

11 Right?

12 A Correct.

13 Q Okay. So that same water sound -- how
14 long did that last?

15 A No more than ten days.

16 Q Okay. Who fixed it?

17 A John D. from Hers & His Plumbing.

18 Q When did he fix it?

19 A On October 5th.

20 Q Okay. And what did he tell you or what
21 did John D. tell you about why you were hearing that
22 sound of water running?

23 A He said that it had been a water line that
24 had busted inside the wall.

25 Q Which wall?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

65

1 A Between the bathroom and the kitchen.

2 They're right there together.

3 Q Okay. I'm going to show you a sketch
4 here. Do you see Exhibit Number 10 that's on the
5 screen?

6 A Yes.

7 (Scott Deposition Exhibit 10 was marked
8 for identification and attached to the transcript.)

9 BY MS. KARABINOS:

10 Q This is kind of a floor plan layout of
11 your home. Does that look -- on your home where the
12 master bedroom, back bedroom, hall, living room
13 dining room, kitchen, and bathroom are laid out?
14 Does that look about right to you?

15 A Uh-huh.

16 Q That's a yes?

17 A Yes.

18 Q Okay. And you've only got one bathroom;
19 is that correct?

20 A Correct.

21 Q Okay. So right here I'm highlighting
22 bathroom. Do you see that?

23 A Yes.

24 Q Okay. So the wall in which John D. from
25 Hers & His Plumbing found the water leak -- was it

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

66

1 this particular wall? Let's see if I can highlight
2 it. No, I can't highlight it here.

3 Was it this particular wall right here?
4 No, that didn't do it. Hold on.

5 Was it behind the toilet right here? Is
6 that what he's talking about?

7 A Yes, behind the toilet.

8 Q Okay. And how many pipes burst?

9 A I don't know.

10 Q Okay. But that water was leaking right
11 behind the toilet; is that correct?

12 A He fixed it behind the toilet, but I don't
13 know how many.

14 Q Okay. Did he say anything about whether
15 that particular pipe was polybutylene?

16 A He didn't say.

17 Q But you had polybutylene throughout your
18 home; is that correct?

19 A Correct.

20 Q Now, when you called your insurance
21 company, did you tell them that you had had numerous
22 leaks over the years?

23 A No. I didn't tell them anything about
24 leaks over the years.

25 Q What did you tell them?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

67

1 A I called them for the specific thing that
2 was going on at the time.

3 Q Which was what?

4 A Which was that -- I had mold was the main
5 thing that I called about, because that's what the
6 issue was. The reason why we couldn't get the pipe
7 fixed was because of the mold.

8 Q And did you tell them about the rushing
9 water that you heard?

10 A No, I didn't say anything about water,
11 because my main concern at the time was the mold.

12 Q And when Mr. Teitelbaum came out to your
13 home on October the 4th, did you tell him about any
14 previous water leaks that you had?

15 A No.

16 Q Did you see him open up the floor space or
17 the wall space behind or near the toilet?

18 A Did I see him do what behind the toilet?

19 Q Open up any of the wall space or any of
20 the areas on the left or right side or back or front
21 of the toilet.

22 A There's nothing there for him to open up.

23 Q What did you see Mr. Teitelbaum do while
24 he was there?

25 A I let Mr. Teitelbaum do what

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

68

1 Mr. Teitelbaum do. He did not say anything to me.

2 So I just let him do what he do.

3 Q Okay. How long was he there?

4 A Maybe 10, 15 minutes. I don't know
5 exactly.

6 Q Did you have a timer on him?

7 A No, I didn't.

8 Q So you don't know really how long he was
9 there?

10 A I'm not sure how long he was there. I
11 just let him do his thing. And he came back and
12 said, I'm done and I'm gone.

13 Q Did he tell you anything about what he
14 found or what was going to be the next steps?

15 A No, ma'am.

16 Q Did he give you any paperwork?

17 A No, ma'am.

18 Q Okay. What was the next thing that
19 happened?

20 A What do you mean, what was the next thing
21 that happened?

22 Q So somebody with your insurance comes out,
23 does an inspection; correct?

24 A Yes.

25 Q He leaves. So what was the next -- so

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

69

1 what was the next thing that happened with regard to
2 your report of the mold?

3 A Okay. I get a letter. I called him to
4 find out what was -- and because I didn't hear
5 anything for a while. I called him and asked him
6 what was the status of it.

7 He said, well, I'm just -- I'm still
8 waiting; so when I know, you'll know.

9 Q When did you call him?

10 A I don't remember the dates. Hold on. Let
11 me look at my notes of when I called him.

12 Q You have some notes regarding the events
13 of the loss?

14 A I just write -- jot down when I talk to
15 somebody. That's all.

16 Q Okay.

17 A Not a thing on detailed stuff, just when I
18 talk to somebody.

19 Q Is that kept on like an old calendar or
20 just a running notepad or what?

21 A Just a notepad.

22 I spoke to him on the 11th.

23 MR. VILLANI: I'm sorry. Say that one
24 more time.

25 THE WITNESS: I actually spoke to someone

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

70

1 named Angel on the 11th, because I couldn't get in
2 touch with Jeff.

3 MR. VILLANI: What date? You say the
4 11th?

5 THE WITNESS: October 11.

6 MR. VILLANI: 2018?

7 THE WITNESS: Yes, sir.

8 MR. VILLANI: You've got to be specific,
9 please.

10 THE WITNESS: I'm sorry.

11 BY MS. KARABINOS:

12 Q What did you and Angel talk about?

13 A Just explained to him, you know, about the
14 water thing. And I was just trying to check to see
15 what was my status from when he came -- when Jeff
16 came out and looked.

17 He said, I will have to talk to his
18 supervisor.

19 And it was kind of like I was getting the
20 runaround from one person to another one to another
21 one to another one. Like, nobody was -- from my
22 perspective -- concerned. Just give me -- you know,
23 like, was passing the buck. So I don't know.

24 Then finally I got a -- the denial letter.

25 Q Okay. So prior to you talking with Mr. --

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

71

1 or Angel, you had not been advised what coverage
2 decision had been made; is that right?

3 A Correct.

4 Q Did you --

5 A As far as I can remember.

6 Q I'm sorry. Say that again.

7 A As far as I can remember, that is correct.

8 Q Did Mr. -- Angel call you back?

9 A I don't have a note that he did.

10 Q You don't recall it independently of
11 looking at a note?

12 A No, I don't.

13 Q When did you receive the denial letter?

14 A I'm not sure. You all have a copy of it.
15 It was in the stuff that I sent to the attorney.

16 Q Was it in the same month of October?

17 A I don't know if it was October or
18 November.

19 Q Did you file an insurance claim -- I mean
20 an insurance complaint with the Department of
21 Insurance?

22 A No.

23 Q You did not?

24 A No.

25 Q Do you know if -- do you know if

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

72

1 anybody had --

2 I'm sorry.

3 A I'm not sure what that is.

4 Q Okay. We'll go over that in just a
5 second.

6 All right. Let me show you -- I'm going
7 to share my screen again. Here's Exhibit Number 2.

8 (Scott Deposition Exhibit 2 was marked for
9 identification and attached to the transcript.)

10 BY MS. KARABINOS:

11 Q Do you recognize that as a letter from The
12 Charter Oak Fire Insurance Company, dated October
13 12th, 2018 --

14 A Okay.

15 Q -- regarding your claim?

16 A Okay.

17 Q Did you receive that?

18 Tell me when you want me to go to the next
19 page. I'll be glad to move it.

20 A Okay.

21 Q All right. Here's the second page.

22 MR. VILLANI: Can you go back to the first
23 page. I was trying to copy some things.

24 MS. KARABINOS: I'm going to wait for the
25 witness to finish reading before I move it.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

73

1 A Okay.

2 BY MS. KARABINOS:

3 Q Did you receive a copy of this letter?

4 A Yeah. I sent it to y'all.

5 Q Okay.

6 A I gave it to the attorney.

7 Q Okay. So -- there's a lot of things that
8 you probably have done, but I have to put them on
9 the record.

10 So you received it; correct?

11 A Yes.

12 Q Okay. And when you received it, what did
13 you do? Did you call your insurance company?

14 A I called, trying to find out what was
15 going on.

16 Q Okay. Who did you speak with? Did you
17 speak to Angel again?

18 A I'm not sure if I spoke to Angel again.

19 Q Do you recall speaking to anybody else at
20 your insurance company?

21 A I spoke with a Justin Barber.

22 Q Okay. When you --

23 A I left a -- I left a message for him
24 asking him to call me on October -- October 25th of
25 2018.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

74

1 Q Did he call you back?

2 A No.

3 Q He didn't call you back on the 26th of
4 October?

5 A I'm trying to see. I don't see -- wait a
6 minute.

7 I spoke with him -- I don't have a note
8 that I see that I spoke to him on that day. If he
9 did, I don't remember.

10 Q But you have a note that you did speak
11 with him; right?

12 A I have a note on December 13th, 2018.

13 MR. VILLANI: Miss Scott, you just broke
14 up. Can you repeat that, please.

15 A I spoke with Justin Barber on December
16 13th of 2018.

17 BY MS. KARABINOS:

18 Q What did y'all talk about then?

19 A On that day -- the house insurance denied
20 fixing it -- or fixing it. I was told that I waited
21 until my house was caving in before I called him --
22 called them.

23 He said, you can't wait until you have a
24 whole lot of accident -- he was trying to explain to
25 me about between the -- the difference between a car

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

75

1 accident and the house accident.

2 You can't wait until you have a whole lot
3 of --

4 MR. VILLANI: Miss Scott. Miss Scott, can
5 you hear me? That whole answer you broke up and
6 your thing froze. Can you speak slowly into the
7 microphone and repeat that answer. I'm sorry to --

8 THE WITNESS: It's okay.

9 A I wrote my notes as to what was said. The
10 house insurance denied fixing my house. I was told
11 I waited until my house is caving in before I called
12 them.

13 He said, you can't wait until you have a
14 whole lot of car accidents before you call your
15 insurance.

16 And I asked him -- you know, don't talk to
17 me like that. And no wonder why they only gave me
18 \$5,178 to fix something knowing that it was not
19 going to do anything to fix the house.

20 I'm not sure what you're looking for,
21 ma'am.

22 Q Well, did you keep notes of every time
23 that you spoke with somebody at your insurance
24 company?

25 A I don't have all the notes here. I don't

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

76

1 know where they are.

2 Q Okay. But did you write down notes
3 contemporaneously during your conversation with
4 anyone at your insurance company?

5 A Those are the notes that I wrote done.

6 Q And you're writing them down as you're
7 speaking with them or shortly thereafter?

8 A Shortly thereafter.

9 Q Okay. And did you write down every time
10 that you spoke with somebody at your insurance
11 company?

12 A I try my best to, but I -- I moved some
13 things and stuff is missing right now; so I don't
14 know. I've been looking, trying to get everything
15 together, but I can't find it.

16 Q Okay. Do you remember speaking with
17 anybody else at your insurance company about this
18 particular damage other than Jeff Teitelbaum, Angel,
19 Justin Barber?

20 A Craig Hite.

21 Q When did you speak with Craig?

22 A I spoke to him on October 15th.

23 Q What did y'all talk about?

24 A Just explained to him what was going on
25 regarding, you know, my claim, because it had been

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

77

1 denied. And then he sent somebody from -- he sent
2 Eric -- I don't know how to pronounce the last name.
3 It's L-R-E-G-A. They came out and they did another
4 inspection. And then they said, everything is going
5 to be okay.

6 And that's when the check came for the
7 \$5,000.

8 Q So let me stop you right there. So you
9 spoke with Craig Hite on October 15th. And y'all
10 talked about the denial letter; is that right?

11 A I spoke to him about the denial letter,
12 yes.

13 Q Okay. And he -- he offered to have
14 somebody come out and reinspect your home and
15 provide an independent opinion; is that correct?

16 A Correct.

17 Q And that's when Eric --

18 MR. VILLANI: I object to the form of the
19 question. She said nothing about independent.
20 That's not been in evidence.

21 MS. KARABINOS: I am asking her a question
22 and if I want to stay with that question, I'm going
23 to.

24 BY MS. KARABINOS:

25 Q He offered to send somebody out to provide

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

78

1 an opinion; correct?

2 A Someone came out to inspect it, yes.

3 Q And that guy Eric -- what company was he
4 with?

5 A Emergency Water & Fire.

6 Q And do you know what relationship that
7 they had with Travelers or Charter Oak?

8 A No.

9 Q Okay. What did Eric with that company
10 tell you about why they were out there?

11 A He just said they came -- they're just
12 coming out to inspect. That's all I know.

13 Q So there was another opinion that they
14 were going to provide; is that correct?

15 A I'm not really sure.

16 Q Okay. What was your understanding about
17 why Emergency Water & Fire showed up at your house?

18 A My understanding was to come out and do
19 another inspection.

20 Q To do what? For what reason?

21 A For the water damage and mold.

22 Q Okay. And what did they tell you after
23 their inspection?

24 A They just said, don't worry. Everything's
25 going to be all right.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

79

1 Q Did they tell you -- did they tell you
2 what caused the water damage or the mold damage?

3 A No.

4 Q Did they tell you how much it was going to
5 cost to repair it?

6 A No.

7 Q Okay. Did they tell you how long the leak
8 had been occurring?

9 A No.

10 Q Did you ever get a report from them?

11 A No.

12 Q All right. So after they come out --
13 after Craig Hite tells you he's going to send out
14 somebody else, what's the next thing that happened?

15 A Next thing that happened was I got the
16 check for 5,000. I got the check from them.

17 Q How much did you get?

18 A It was 5,000 -- hang on a second.

19 Q Let me show you Exhibit Number 5 that's on
20 the screen, Miss Scott.

21 (Scott Deposition Exhibit 5 was marked for
22 identification and attached to the transcript.)

23 BY MS. KARABINOS:

24 Q Was the check for \$5,178.61?

25 A That's it.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

80

1 Q Okay. On Page 2 of Exhibit Number 5 -- if
2 I can rotate it and make it a little bit smaller --
3 that's a copy of that check; correct?

4 A Correct.

5 Q Okay. And it looks like you did not cash
6 it until January the 3rd of 2019; is that correct?

7 A Correct.

8 Q Okay. What did you do with that
9 \$5,178.61?

10 A Okay. Once they sent -- when I got the
11 check, Travelers had sent me a list of people that I
12 could work with to get things done at my house.
13 They came in and put in a big machine to dry out the
14 water.

15 Q Who's they?

16 A ServPro.

17 Once --

18 Q Okay. Can I interrupt you just for a
19 minute. Out of that list you selected ServPro to
20 come?

21 A I did.

22 Q So you called them to come out to your
23 home?

24 A I did.

25 Q Okay. All right. Go ahead.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

81

1 A Once they came out, they came out and put
2 the dehumidifiers in the house.

3 And then the reason I cashed the check was
4 because I was told that y'all was not -- the
5 insurance was not going to cover anything; so I had
6 to go ahead and use it. Once I got with an
7 attorney, I was told that it was okay to go ahead
8 and cash the check, because I didn't know what to
9 do. I was scared to do that, because I didn't want
10 it to come back on me and say that I owe this money
11 back to them.

12 And --

13 Q Okay. So let me ask you -- I'm sorry. Go
14 ahead.

15 A With -- ServPro said that everything was
16 denied. Then I --

17 Q Hold on.

18 A And I did not have money in my pocket to
19 pay.

20 MR. VILLANI: Miss Scott, you broke up.
21 You've got to repeat that, please.

22 BY MS. KARABINOS:

23 Q Can you just repeat that question --
24 repeat your answer to my question. You went out.
25 You were kind of like -- it was very elongated; your

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

82

1 words were. You were talking about Serv -- you
2 didn't cash your check. ServPro told you that the
3 insurance company was denying everything. Is that
4 what it was?

5 A Yes, they denied everything. They said
6 they was not going to fix anything because they said
7 that it was more -- it costed more than \$5,178 to
8 fix stuff; so that was not going to even touch the
9 mold.

10 So I was, like, stuck -- I was at a
11 standstill and I was stuck. I didn't know what to
12 do at this point. So I still had -- now that I'm
13 owing these people money, this is the only money
14 that I have. So I had to cash the check to give
15 them that money.

16 Q Okay. So let me back up. When did you
17 contact ServPro?

18 A It was in November around Thanksgiving
19 time, because that's when they came in to put -- the
20 dehumidifiers was here during Thanksgiving.

21 Q Do you recall the person you spoke with at
22 ServPro?

23 A Her name was Mary.

24 Q Okay.

25 A I can't remember the first name. I don't

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

83

1 remember anything else about it.

2 Q So between the time that you got the check
3 on November 9th, 2018, until you cashed it in
4 January to pay ServPro, did you have anybody else
5 come look at your home?

6 A Bruce Fredrics came in January.

7 Q All right. We'll get to Bruce in just a
8 second.

9 I'm going to put something else up here.
10 Hold on. I'm going to stop share.

11 Did you call anybody else -- any other
12 mitigation companies or repair companies -- before
13 contacting ServPro?

14 A I called -- I don't remember the name, but
15 they said they couldn't do it.

16 Q Do you recall why they said they couldn't
17 do it?

18 A It was closer to holidays; so weren't
19 going to do anything until the first of the year.

20 Q Let me show you -- you called ServPro of
21 North Atlanta Buckhead; correct?

22 A That's them.

23 Q This is their statement. Let me back it
24 out a little bit. The date entered is November the
25 23rd, 2018. Is that the date that they came out?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

84

1 A Yeah. They came out that -- yeah, because
2 they came out the week of Thanksgiving.

3 Q And the estimator's name is Ben Peck,
4 P-E-C-K. Do you recall speaking with him?

5 A Yes.

6 Q Is he the one that said that the
7 statements provided by your insurance carrier was
8 not going to be enough to cover the remediation? Is
9 that who told you that or was that somebody else?

10 A He said it wasn't enough money. Yeah,
11 he's the one.

12 Q And you gave all of the \$5,178.61 to
13 ServPro; is that correct?

14 A Not all of it, no.

15 Q Not all of it?

16 A No.

17 Q How much did you give to ServPro?

18 A I don't have their invoice in front of me,
19 but it was over \$1,000.

20 Q And what was -- what work was that for?

21 A For the time that they had those
22 dehumidifiers in here.

23 Q Where were the dehumidifiers and the fans
24 located?

25 A One was in the kitchen, one was in the

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

85

1 hallway, and the other was in the hall by the
2 bathroom.

3 Q Were any of them in the bathroom itself?

4 A No.

5 Q Since ServPro -- let me back up.

6 How many days did the dehumidifiers and
7 equipment stay at your home that was provided by
8 ServPro?

9 A Five.

10 Q Five days.

11 A They came on Monday and they picked them
12 up on Friday after Thanksgiving.

13 Q Did they do any moisture readings when
14 they left?

15 A I don't know.

16 Q Do you know whether your house was dry at
17 that point?

18 A I don't know. They didn't say anything
19 about it. They just came in and got them and left.

20 Q Did they remove any flooring or Sheetrock
21 or any studs or tile or anything?

22 A I'm not understanding what you're talking
23 about.

24 Q Okay.

25 A Say that again, please.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

86

1 Q You bet.

2 Did ServPro remove any Sheetrock from any
3 of your walls?

4 A No.

5 Q How about any flooring?

6 A No. They cut my linoleum, looked at it,
7 and taped it down.

8 Q Okay. And that would have been the
9 linoleum in the bathroom?

10 A In the bathroom and in my hallway.

11 Q Do you know why they did that?

12 A I'm not exactly sure unless they were
13 checking to see if it was wet. That's the only
14 thing they could have been checking for.

15 Q When they removed the equipment, did they
16 tell you anything about what your condition -- what
17 the condition of the mold was or the moisture or if
18 your house was still wet? Anything?

19 A No.

20 Q Since ServPro left with the equipment five
21 days after putting it in, has any other water
22 mitigation company or mold mitigation company come
23 to your home?

24 A No.

25 Q Is the mold still present?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

87

1 A I'm not sure. It's in the basement --
2 it's in the crawlspace; so I don't know.

3 Q So you've not had anybody go in and take a
4 look?

5 A No.

6 Q Since September 29th of 2018 have you --
7 have you consistently lived there?

8 A Yes.

9 Q Do you recall at any other time that
10 someone else with your insurance carrier came out to
11 inspect your property?

12 A Any other time? What do you mean?

13 Q We talked about Mr. Teitelbaum coming out
14 to your house on October 4th; right?

15 A Right.

16 Q Okay. At any other time, did somebody
17 else from your insurance company come out and
18 inspect your home?

19 A They sent someone else out, but I don't
20 remember what date it was he came out.

21 Q Okay. We talked about Eric with Emergency
22 Water & Fire coming out. Was this somebody else?

23 A Somebody else came after him -- after Eric
24 did, but I don't remember his name and I don't
25 remember what date that was.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

88

1 Q Was it somebody by him or herself?

2 A He was by himself.

3 Q Okay. Was it Justin Barber?

4 A Justin came out once. Someone else came
5 after him. I think he was the -- what you call -- I
6 don't know how you -- what's the name?

7 Q An investigator?

8 A It might have been what he said he was.

9 Q It was a he?

10 A It was a he.

11 Q What about an engineer?

12 A That might have been -- yeah, that's what
13 it was. I was trying to think of the name. I
14 couldn't remember what he said.

15 Q What I'm trying to figure out, Miss Scott,
16 is how many people came out to your home either as
17 employees of your insurance company or at your
18 insurance company's request. So we have Jeff
19 Teitelbaum, we have Eric with Emergency
20 Water & Fire, Justin Barber came out; is that right?

21 A Correct.

22 Q Did he come by himself or with somebody
23 else?

24 A Somebody else was with him at the time
25 that he came.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

89

1 Q Okay. And then we have the engineer with
2 Forcon that came out. Anybody else?

3 A No.

4 Q Okay. All right. So let's see here. I'm
5 going to show you another document here. This is
6 Exhibit Number 6.

7 (Scott Deposition Exhibit 6 was marked for
8 identification and attached to the transcript.)

9 BY MS. KARABINOS:

10 Q It's a letter from The Charter Oak Fire
11 Insurance Company, November 9th, 2018, regarding
12 your claim. Do you recall receiving that letter,
13 Miss Scott?

14 A Yes.

15 Q Okay. Prior to November 9th, 2018, was
16 that when -- before that date, was that when Eric
17 with Emergency Water & Fire came out?

18 A Yes.

19 Q Okay. So originally your insurance
20 company said there was no coverage, and we saw that
21 on October 12th, 2018, letter; right?

22 A Yes.

23 Q And then you asked and talked to Craig
24 Hite, who sent out somebody else to inspect your
25 home; correct?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

90

1 A Correct.

2 Q And then you received this letter,
3 November 9th, 2018, which is Exhibit Number 6. And
4 that's when your insurance carrier said there is
5 coverage and in the amount of \$5,178.61 --

6 A Yes.

7 Q -- is that correct?

8 A Yes.

9 Q Okay. And you talked about how you used
10 \$1,000 to pay ServPro. What have you done with the
11 remaining \$4,178.61?

12 A I have \$4,100-some -- \$4,000. I have
13 that.

14 Q Okay. It's in your bank account?

15 A Yes.

16 Q And, sitting here today, you previously
17 testified that nobody has come out to do anything
18 more with regard to the mold; is that correct?

19 A I'm sorry.

20 Q Sure. I'll repeat it.

21 So nobody else has come out to do anything
22 about the mold except for what ServPro did; correct?

23 A Correct.

24 Q And has anybody made any of the physical
25 repairs to like your flooring, Sheetrock, studs,

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

91

1 anything along that line?

2 A In the bathroom. We did it ourselves. Me
3 and my friend fixed the floor right up under the
4 toilet, because that part had rotted out because of
5 water in the wall.

6 Q Who was that friend?

7 A Willie Tiller.

8 MR. VILLANI: Say that one more time.

9 BY MS. KARABINOS:

10 Q Willie Tiller, T-I-L-L-E-R?

11 A Yes, Tiller.

12 MR. VILLANI: What's the first name
13 please, again.

14 THE WITNESS: Excuse me? I'm sorry.

15 MR. VILLANI: What was his first name
16 again, please.

17 THE WITNESS: Willie, W-I-L-L-E-R -- I'm
18 sorry. His first name is W-I-L-L-I-E.

19 BY MS. KARABINOS:

20 Q Do you have any contact information for
21 Mr. Tiller?

22 A 404-272-5995. That's my boyfriend; so he
23 did it for me.

24 Q Okay. How much did y'all spend in making
25 those repairs to the floor under the toilet?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

92

1 A Very little. We just -- I don't remember.
2 I didn't even keep receipts because it was not -- I
3 mean it wasn't a big thing of what we did. We just
4 got a piece of wood and put it over -- took the
5 other wood out and put it over where that came out
6 of. I don't remember. It wasn't that much.

7 Q When did this happen? When did y'all fix
8 the floor?

9 A When all of this happened. I don't
10 remember the date that we did it, but it was back in
11 2018.

12 Q Was it before or after ServPro came to
13 your home?

14 A It was -- I'm not sure, ma'am. I don't
15 remember.

16 Q Did you take any photographs?

17 A No.

18 Q Any other repairs to your home since you
19 called in the loss on October the 3rd, 2018?

20 A No.

21 Q Have we gone over everybody that has come
22 out to your home either that -- who are employed by
23 your insurance company or were asked to come out
24 there on your insurance company's behalf?

25 A As far as I know, we have.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

93

1 Q We have?

2 A Yes. I believe so.

3 Q Okay. Okay. Now, I want to switch gears
4 to those people or companies who have come to your
5 home at either your request or your attorney's
6 request or Mr. Fredrics's request. So let's go
7 first to who have you had come out and inspect your
8 damage at your request?

9 A Mr. Fredrics.

10 Q Okay. And that's Bruce Fredrics; correct?

11 A Uh-huh.

12 Q And when did you first contact
13 Mr. Fredrics?

14 A January of 2019.

15 Q And how did you get referred to
16 Mr. Fredrics?

17 A By the Internet.

18 Q Okay. All right. And I'm going to go
19 back to Exhibit Number 1 and we're going to go all
20 the way back to Page 1. This looks like a e-mail
21 that you sent to Mr. Fredrics on January 2nd, 2019.
22 And this says: I need an estimate for my homeowners
23 insurance to compare their estimate to. I have
24 water damage and mold. The amount of money given by
25 insurance is not enough to get the work done and

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

94

1 they demand an estimate.

2 Did I read that correctly?

3 A Yes.

4 Q Okay. So this is your first contact that
5 you made to Mr. Fredrics?

6 A Yes.

7 Q And the very last sentence says that they
8 demand an estimate. You're talking about your
9 insurance company?

10 A Correct. What I was told when I talked to
11 the insurance -- and I don't remember the names.
12 The person that I spoke with said that if there's
13 not -- if there's not, you need to let us know,
14 because we think you can get it done for the amount
15 of money that we gave you.

16 But everybody that I talked to says you
17 can't get it done for that. It don't even cover the
18 mold. It's not enough. So I don't know what to do.
19 I was at a loss.

20 Q All right. So other than ServPro, who
21 were all the other people you spoke with who said
22 that was not enough money to get your work done that
23 had been provided by your insurance company?

24 A No one -- I don't -- it just like you pick
25 up the phone and you just call people, ask them do

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

95

1 this or that, and you tell them about what you got.
2 It was not a person that came out and checked it.
3 Just calling around trying to get some help.

4 Q And who did you call?

5 A I don't remember the name, ma'am. I don't
6 even have the numbers in front of me. Just going
7 down the Internet. I didn't write names down,
8 because I was just on there looking at it on the
9 Internet and just calling from the Internet, just
10 doing cold calls.

11 Q So the only company that came out to your
12 house and said that the money that was given to you
13 by your insurance company was not enough was
14 ServPro; is that right?

15 A No, ServPro didn't say that. They said --
16 no, ServPro didn't say that, because we thought that
17 once they came out and looked and everything would
18 be covered.

19 So when -- I don't know what estimate that
20 ServPro sent in to look at the insurance, because I
21 didn't get a copy of it. So I don't know what they
22 sent to the insurance.

23 Q Okay. Then I am sorry that I
24 misunderstood you, Miss Scott. And, you know,
25 that's all on me.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

96

1 I thought you previously testified that
2 ServPro told you that the amount of money that your
3 insurance carrier had given you would not be enough
4 money to pay for the damages?

5 A What they said to me after -- after they
6 had -- they was going to do what they was going to.
7 They said, your insurance is denying coverage.

8 And that's when they told me that I've
9 been denied, that the 5,000 would not be enough to
10 cover what needs to be done at my home. That's what
11 I was saying to you.

12 Q Okay. Let me see if I can understand
13 that.

14 So was the amount of money that your
15 insurance carrier had given you -- I'm just going to
16 talk \$5100 and change -- that paid for their ServPro
17 services, but not other services that you might
18 need?

19 I'm trying to understand what were they
20 talking about.

21 A I don't know what ServPro gave to them as
22 their estimate of coverage for everything that they
23 needed to be done here. I don't know what ServPro
24 and those talked about.

25 So after they said that they -- that the

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

97

1 insurance pay is denied them, then that's what I was
2 told that the 5,000 would not be enough to cover the
3 mold part. From the -- you know, just trying to get
4 somebody to help. I was being told 5,000 is not
5 enough. It's not going to cover that.

6 Q It's not going to cover the mold or not
7 going to cover the repair to the water damage for
8 the water damage?

9 A It wasn't going to cover the mold. It
10 wasn't -- it wasn't enough to cover what needed to
11 be fixed.

12 Q Okay.

13 A Then most of them was mainly the mold.
14 The thing they was saying was the mold was not going
15 to be covered if the water damage was covered. Then
16 it wasn't -- it wasn't going to be enough to fix one
17 or the other.

18 Q All right. So in the November 9th, 2018,
19 letter that you got from your insurance company that
20 talked to you about the \$5,178.61, was it your
21 understanding that that was a denial of coverage?

22 A My understanding that that was all I was
23 going to get for coverage. They weren't going to
24 give me no more. That was it. I wasn't getting
25 anything else. That was the understanding that I

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

98

1 had. So I was either going to sink or swim on my
2 own trying to figure out how to get the rest of --
3 how to get it fixed.

4 I don't -- I'm just at a loss for all of
5 this right now. I don't know -- I don't know what
6 to do or how to get from Point A to Point B through
7 the insurance. I'm not a plumber. I don't know
8 anything about mold. I'm just at a loss right now.

9 Q Okay. So at one point earlier in your
10 testimony today -- and, again, correct me if I'm
11 wrong -- I believe I heard you say that your
12 insurance carrier told you that if you give us
13 another estimate that shows that maybe we -- that
14 there's additional damage that is covered or the
15 costs are not enough, we'll consider that, and
16 that's one of the reasons why you went out and got
17 ServPro; is that right?

18 A I got ServPro because -- I thought I was
19 getting my home fixed is the reason I got ServPro.
20 It wasn't that I was trying to get more money. I
21 thought they was going to fix it for the money that
22 I was already given. So I came out and let them
23 know what's going on.

24 And they said, well, we think you could
25 get done for that.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

99

1 Q And then you called -- or reached out to
2 Mr. Fredrics. And that was because you wanted to
3 get another estimate to compare the one that had
4 been provided to you by your insurance carrier; is
5 that right?

6 A Yes. Trying to figure out what to do
7 next. I was looking for some help.

8 Q Okay. And so did Mr. Fredrics reach back
9 out to you?

10 A Yes.

11 Q Okay. Again, we are looking at Exhibit
12 Number 1, Page 1. We're going to go to Page 3. And
13 this is an e-mail from Mr. Fredrics to you, dated
14 January the 2nd, saying: I need more information.
15 We need to discuss by phone.

16 Is that correct?

17 A Correct.

18 Q And did you have a discussion with
19 Mr. Fredrics via phone?

20 A Yes.

21 Q And what did y'all speak about?

22 A We spoke about -- we spoke about the
23 amount of money that was given by insurance and what
24 I need to have done and I was told by different ones
25 that it wasn't enough.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

100

1 Q Okay.

2 A And he said okay; so he took on my case.

3 Q And did you execute any documents with
4 him?

5 A I signed paperwork with him, yes.

6 Q All right. Let's take a look at the
7 paperwork. I'll get to it here in a second. Hold
8 on. Let me get it.

9 All right. We're looking at Page 275 of
10 Exhibit Number 1. Is this your signature on the
11 limited power of attorney?

12 A It is.

13 Q What is your understanding regarding this
14 limited power of attorney to Mr. Fredrics's company
15 called PACS Limited -- PACS Limited?

16 A He's the appraisal [sic] to help me try to
17 get things done.

18 Q Okay. It says that the limited power of
19 attorney as my compensable neutral, impartial, and
20 disinterested proxy, to act for me in place of me,
21 but not in any agent capacity for all insurance
22 claims-related -- claims-related matters specified
23 below.

24 Right?

25 And it has the claim number of -- that was

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

101

1 assigned by your insurance company; correct?

2 A Correct.

3 Q Okay. Whose -- whose handwriting is this
4 handwriting up at the top? Client through policy
5 number? Is that yours?

6 A No.

7 Q Whose is that?

8 A Bruce did that.

9 Q Okay.

10 A Or I think he -- wait a minute. I
11 can't -- I'm not sure. This was -- this was
12 e-mailed to me and I printed it off and signed it
13 and sent it back to him.

14 Q Who's Renata Santos?

15 A Ma'am, I don't know. Someone in his
16 office, I assume.

17 Q What about Tahresa -- T-A-H-R-E-S-A --
18 Woods?

19 A I would say the same. I have no idea who
20 they are.

21 Q Did you sign it in front of a notary?

22 A Haven't been to a notary.

23 Q Well, there's a notary signature by
24 Stephanie Rodriguez. Did you sign this in front of
25 her?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

102

1 A No.

2 Q Okay. You received it via e-mail from
3 Mr. Fredrics, you printed it, signed it, and
4 e-mailed it back to him?

5 A Correct.

6 Q So you didn't go out and have any of your
7 signatures witnessed by any of these ladies that are
8 identified in here or in front of a notary public;
9 correct?

10 A I'm sorry. Hold on just a minute. I'm
11 trying to think now. I'm trying to think.

12 I know who this -- I'm sorry. It's been
13 so long ago. Today is long too.

14 Stephanie is the lady at the bank -- at
15 the bank.

16 Q Which bank?

17 A I remember taking this to the --

18 Q Okay. Which bank?

19 A -- Bank of America.

20 Q Which location?

21 A The one that's on Ponce de Leon.

22 Q Okay. And who are Renata and Tahresa?

23 A Renata was the teller -- the person that I
24 spoke with. The other one was a witness for her.
25 And Stephanie was the notary.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

103

1 Q And they were all employed by Bank of
2 America on Ponce de Leon?

3 A Yes, ma'am.

4 I'm sorry. I'm sorry. I'm not thinking
5 clear. That's a lot. I'm getting old. I've been
6 sick this week; so I'm just trying to get my head
7 together.

8 MS. KARABINOS: Okay. My earphones are
9 about to go off; so I'm going -- let's take a
10 five-minute break until I can change my earphones,
11 please.

12 MR. VILLANI: Can we take a ten-minute
13 break to 12:30, please.

14 MS. KARABINOS: Sure.

15 (Recess taken from 12:23 p.m. to 12:32
16 p.m.)

17 BY MS. KARABINOS:

18 Q Miss Scott, let me share my screen with
19 you again. We're still on Exhibit Number 1. And
20 we're looking at Page 259. Do you see that on your
21 screen?

22 A Yes. It's little, though.

23 Q Do you want me to make it larger for you?

24 A Yes, please.

25 Q How about that?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

104

1 A Yes.

2 Q Okay. So this is a retainer notice letter
3 between yourself and Professional Adjustment &
4 Consulting Service, known as PACS, P-A-C-S. And
5 that's your signature on the bottom there?

6 A Yes.

7 Q That's a signature of Mr. Fredrics as
8 well?

9 A Yes.

10 Q Okay. What is your understanding about
11 what this document was that you signed?

12 A Excuse me? I don't understand what you
13 mean.

14 Q What is your understanding about what is
15 this document that you signed?

16 A My understanding is that I gave him
17 authority to take over and do what is needed for me.

18 Q Okay. And in what capacity?

19 A In full capacity to do what needed to be
20 done.

21 Q Okay. Was it your understanding that he
22 was your public adjustor?

23 A Yes.

24 Q Okay. Did you have any other -- any other
25 understanding about what other roles that he was

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

105

1 going to act on your behalf?

2 A No. He was just the adjustor. The
3 appraisal or the adjustor. That's all I thought.

4 Q Okay. Was it an adjustor or was he going
5 to be your appraiser?

6 A Adjustor. I don't know why I said
7 appraiser. I think it's adjustor.

8 Q Okay. And so you contacted your insurance
9 company to advise them that you had gotten an
10 adjustor; right?

11 A No, I did not.

12 Q You did not contact the insurance company
13 to tell them that you had gotten an adjustor?

14 A No.

15 Q So --

16 A I didn't know I had to tell them anything
17 further.

18 Q Okay. Did you ever have any conversation
19 with anybody with your insurance company regarding
20 Mr. Fredrics?

21 A No, I did not.

22 Q You did not?

23 A No.

24 Q You never told anybody at your insurance
25 carrier that you had hired a public adjustor who had

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

106

1 written an estimate for you?

2 A I don't remember if I did or not.

3 Q You want to check your notes?

4 A I don't have that written down.

5 Q Okay. So there's a possibility that you
6 did. You don't know one way or the other?

7 A No.

8 Q Do you remember receiving a phone call
9 from Jeff Teitelbaum regarding the status of you
10 getting estimates?

11 A I don't remember.

12 Q You don't remember sometime at the end of
13 December 2018 he called you about the status and you
14 said you were working on getting some companies to
15 come out and would hope to have something to him at
16 the first of the year?

17 MR. VILLANI: Objection. It was asked and
18 answered. She doesn't remember.

19 BY MS. KARABINOS:

20 Q Do you remember?

21 A I don't remember.

22 Q Possibility that that happened?

23 A I don't know.

24 Q Did you ever contact your insurance
25 carrier to tell them that you had obtained an

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

107

1 estimate from an adjustor?

2 A I don't remember.

3 Q Do you recall signing any other documents
4 other than the one that was previously looked at
5 where you had the witnesses' signatures and the
6 retainer notice that we've got up in front of you?

7 A I can't understand you, ma'am.

8 Q Do you recall signing with Mr. Fredrics
9 any other documents other than the two that I've
10 just showed you?

11 A I can't remember right off if I did.

12 Q How much have you paid Mr. Fredrics for
13 his services to date?

14 A Zero.

15 Q Zero?

16 A Nothing.

17 Q Has he asked you to pay anything?

18 A No.

19 Q What is your understanding about what
20 you're to pay him, if any, at the end of this case?

21 A My understanding is if I get nothing, he
22 get nothing.

23 Q Have you reimbursed him for any expenses
24 associated with -- that he paid on your behalf?

25 A Ma'am, you're breaking up really bad on

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

108

1 this end.

2 Q Has he paid you for anything else -- have
3 you paid him for anything else that he may have paid
4 on your behalf, like reimbursed him any money?

5 A No.

6 Q When did Mr. Fredrics come out to your
7 home, if at all?

8 MR. VILLANI: Counsel, you just broke up.
9 You want to repeat that.

10 BY MS. KARABINOS:

11 Q When did Mr. Fredrics come out to your
12 home, if at all?

13 A The first of January of 2019.

14 Q Do you remember the date?

15 A I think it was around the 2nd or 3rd.

16 Q Was that before or after you signed the
17 retainer notice that we've been looking at on Page
18 259 of Exhibit 1?

19 A Ma'am, I'm not -- you're breaking up. I'm
20 sorry.

21 MS. KARABINOS: All right. Let's take a
22 break. Let me see if I can get the sound better
23 here. Hold on. We'll go off the record.

24 (Off-the-record discussion.)

25 MS. KARABINOS: All right. Let's go back

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

109

1 on the record.

2 Miss Scott, thank you so much. Anytime
3 you can't hear me, you need to let me know.

4 THE WITNESS: Okay.

5 BY MS. KARABINOS:

6 Q So you believe that Mr. Fredrics came out
7 on what day?

8 A I think it was the 2nd or the 3rd. I'm
9 not exactly sure which date, but I know it was the
10 first week of January.

11 Q Of 2019?

12 A '19, yes.

13 Q Okay. Was anybody with him?

14 A No.

15 Q Was anybody with you?

16 A My family was here.

17 Q Okay. Did Mr. Fredrics speak to anybody
18 other than yourself about the loss?

19 A No.

20 Q How many times has Mr. Fredrics come to
21 your home?

22 A I think it was, like, two, maybe three.
23 I'm not exactly sure the number.

24 Q Okay. So what did he do on this first one
25 which occurred either on January 2nd or January 3rd?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

110

1 A We discussed --

2 THE COURT REPORTER: Hold on.

3 Is that an objection?

4 MR. VILLANI: Yes.

5 As I'm saying an objection, Miss Scott,
6 you need to stop talking. Okay?

7 I object because it's facts that aren't in
8 evidence. You keep saying 2nd or 3rd. She said, I
9 don't know.

10 So can you please rephrase that question.

11 MS. KARABINOS: Her testimony was it
12 happened either January 2nd or 3rd; so that's why I
13 phrased my question that way.

14 MR. VILLANI: It was the first week of
15 January. She clarified that.

16 BY MS. KARABINOS:

17 Q Miss Scott, was it either January 2nd or
18 January 3rd?

19 A I'm not exactly sure, but I know it was
20 the first week of January of 2019.

21 Q All right. Well, let's go ahead and
22 clarify here.

23 Miss Scott, I'm showing you Page 235 of
24 Exhibit Number 1. And this is the estimate that we
25 received from Mr. Fredrics. It says: Date

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

111

1 inspected, January the 2nd, 2019.

2 Does that refresh your memory that that's
3 when he came out and inspected that first time?

4 A That's when he came out.

5 Q Okay. All right. So --

6 MR. VILLANI: Thank you, Counsel.

7 BY MS. KARABINOS:

8 Q Did he speak with your family members
9 while he was out there about the loss?

10 A No.

11 Q Did he speak to you about the loss?

12 A We went over what I had called about, him
13 helping me to get some help.

14 Q Did y'all talk about when you first
15 observed the water running on September the 29th of
16 2018?

17 A I don't remember if we did.

18 Q So what did you tell him about how you --
19 let me back up.

20 What did you tell him about why you called
21 the insurance company?

22 A Rephrase that.

23 Q What did you tell Mr. Fredrics or did you
24 tell Mr. Fredrics --

25 A Uh-oh.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

112

1 Q We just lost your video. That's okay.

2 There you go.

3 Did you tell Mr. Fredrics anything about
4 what you told your insurance company?

5 A I don't remember the details of the
6 conversation. It's been a while.

7 Q Do you have notes regarding your
8 conversation with Mr. Fredrics at any time?

9 A No, ma'am. I didn't take any notes with
10 him.

11 Q During any of the conversations you had
12 with him either in person or on the phone?

13 A I didn't take any notes with him.

14 Q So the only notes that you took were with
15 regard to your conversations with people from your
16 insurance company or people who came out there on
17 their behalf?

18 A People who came out -- I took notes on
19 people I actually spoke to at Travelers.

20 Q Okay. Do you have any notes regarding
21 your conversation with Eric with Emergency
22 Water & Fire?

23 A No.

24 Q Do you have any notes regarding your
25 conversation with ServPro?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

113

1 A No.

2 Q So did Mr. -- well, let me back up. Did
3 Mr. Fredrics ask you about what caused the mold?

4 A No.

5 Q Did he ask you about what caused the water
6 damage?

7 A No, not that I remember.

8 Q Okay. Did he tell you about what he
9 believed to be the cause of the mold?

10 A I'm not sure if he did. I don't remember.

11 Q Did he tell you what he believed to be the
12 cause of the water damage?

13 A I don't remember if he did.

14 Q Do you remember anything that you and
15 Mr. Fredrics talked about on January 2nd of 2019?

16 A We talked about the reason I called the
17 insurance and I was trying to get help, trying to
18 find somebody that would do the -- fix the mold and
19 water damage. And he did an inspection.

20 And then he said, I'll get back with you.

21 I don't remember all that happened. Right
22 now I'm drawing a blank, because I was sick over the
23 weekend and I don't even remember from Friday to
24 late Monday.

25 Q Are you talking about currently?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

114

1 A Yes, this week. I was sick over the
2 weekend and I missed -- I'm drawing a blank because
3 I missed a whole weekend; so according to my memory
4 right now it's not here. I don't even know what
5 happened. My daughter said I slept the whole
6 weekend.

7 Q So do you believe because of what happened
8 this weekend, you are not able to answer my
9 questions today?

10 A I'm drawing a blank on some of the
11 answers -- on some of the stuff that you're asking
12 right now. I'm drawing a blank, because I can't
13 remember. I've lost some time somewhere and I can't
14 remember what happened. I can't even tell you what
15 went on over the weekend, because I don't remember
16 it from Friday until Monday.

17 Q Okay. So, Miss Scott, I understand. And
18 I'm so sorry, you know, that you had that over the
19 weekend. But what I'm trying to figure out is what
20 happened this weekend preventing you from being able
21 to answer my questions about what happened in 2018
22 and 2019?

23 A Right now, yes, because I'm starting to
24 get a really bad headache. I'm trying to answer the
25 best I can.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

115

1 Q Okay. Well, do you want to stop and get
2 you some Tylenol or some Advil for a headache?

3 A Yeah.

4 MS. KARABINOS: Okay. Let's take a minute
5 for you to do that.

6 MR. VILLANI: Counsel, if you need to
7 reset this, we're not going to have any objection.
8 This is the first time I'm hearing about
9 Miss Scott's problem.

10 THE WITNESS: I was trying to -- I thought
11 I could push through it and that's what I was trying
12 to do.

13 MS. KARABINOS: Go get you something and
14 give me some time to think about this.

15 MR. VILLANI: Miss Scott, do you think you
16 can continue with this deposition today as -- you
17 said your mind is foggy or whatever, or would you
18 rather ask counsel if she would be kind enough to
19 reset it again?

20 THE WITNESS: Yes, can we do that, please.
21 Reset it.

22 MR. VILLANI: You look like you're crying.
23 I'm sorry. Are you in a lot of pain?

24 Counsel, I don't think she's in any shape
25 to continue. I'm sorry.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

116

1 THE WITNESS: I'm getting really confused.
2 It's like stuff is running together and I can't
3 figure out what's going on.

4 MS. KARABINOS: Okay. Give me just a
5 minute.

6 (Recess taken from 12:51 p.m. to 12:54
7 p.m.)

8 MS. KARABINOS: Let's just go back on the
9 record.

10 This is Karen Karabinos, counsel for
11 Charter Oak. We are going to adjourn Miss Scott's
12 deposition. And we have it tentatively rescheduled
13 for 10:00 a.m. on August the 10th, due to her
14 medical condition that has come on since we started
15 the deposition this morning.

16 Is that agreeable, Ralph?

17 MR. VILLANI: Yes, it is.

18 MS. KARABINOS: Okay. All right.
19 Miss Scott, I hope you feel better soon.

20 (Deposition adjourned 12:57 p.m.)
21
22
23
24
25

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

117

1 AUGUST 10, 2021, 10:05 a.m.

2 MS. KARABINOS: Let the record reflect
3 that this is the reconvened deposition of Miss Scott
4 taken in reference to the Janet Scott versus The
5 Charter Oak Fire Insurance Company case that is now
6 pending before Judge Thrash at the Northern District
7 of Georgia, United States District Court, Atlanta
8 Division.

9 BY MS. KARABINOS:

10 Q Miss Scott, I just want to advise you that
11 you are still under oath. Do you understand that?

12 A Yes.

13 Q All right. As you know, we adjourned your
14 deposition a couple of weeks ago because you were
15 not feeling well. You said you had a headache and
16 had some difficulty answering my questions; is that
17 correct?

18 A Yes, ma'am.

19 Q How are you feeling today?

20 A I feel a lot better.

21 Q Okay. Great.

22 Did you go see a doctor?

23 A I did.

24 Q And when did you go see a doctor?

25 A Excuse me?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

118

1 Q When did you go see a doctor?

2 A I went -- I ended up in the ER the same
3 day that -- on the 28th. And then I saw my -- I saw
4 another doctor on the 29th.

5 Q What did the doctor say?

6 A Dehydration and urinary tract infection.

7 Q That will make you have a headache along
8 with host of other things; right?

9 A Yes.

10 Q So you're feeling good right now?

11 A Yes.

12 Q Again, anytime that you don't feel well
13 during the deposition today, please let me know.
14 Okay?

15 A Okay.

16 Q Are you on any medications that would
17 prevent you from understanding my questions and
18 answering them truthfully?

19 A No.

20 Q Okay. And, now, is there any issue today
21 with your ability to remember what happened after
22 you reported the damage to your insurance company?

23 A No.

24 Q Because of what happened when we initially
25 took your deposition a couple of weeks ago, I'm

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

119

1 going to go over a couple of the same things that we
2 talked about, just to make sure that you accurately
3 answered my questions. Okay?

4 A Okay.

5 Q Okay. Great.

6 First of all, if I misinterpret or
7 missummarize your deposition testimony from two
8 weeks ago, please tell me that it's incorrect and
9 give me the correct information. Okay?

10 A Okay.

11 Q From what I understand from your testimony
12 two weeks ago is that on September 29th, 2018, you
13 sat on the -- you sat on the toilet and heard water
14 running; is that correct?

15 A Correct.

16 Q Okay. And you called Hers & His Plumber
17 that day?

18 A No. I called HomeServe who my warranty
19 company that sent Hers & His Plumbing out.

20 Q So you called HomeServe on September 29th,
21 2018?

22 A Yes.

23 Q And Hers & His Plumbing did not come out
24 until the following Monday, October the 1st, 2018;
25 right?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

120

1 A Correct.

2 Q And on that date the company found that
3 there was a leak to the water supply line to your
4 tub in your bathroom; is that correct?

5 A Correct.

6 Q Okay. And your attorney yesterday sent me
7 some better copies of the plumbing invoices; so I'm
8 going to show you those now.

9 MS. KARABINOS: Ralph, I appreciate you
10 sending those.

11 MR. VILLANI: Yeah. My client spent some
12 time digging those up and I do appreciate her -- I
13 know she wasn't feeling well the last couple of
14 weeks, but I appreciate --

15 Janice, I appreciate you going through the
16 trouble of getting this. It makes the deposition a
17 lot easier if you can read the documents.

18 MS. KARABINOS: Absolutely.

19 (Scott Deposition Exhibit 13 was marked
20 for identification and attached to the transcript.)
21 BY MS. KARABINOS:

22 Q I'm going to show you what we've now
23 marked as Exhibit Number 13. Do you see that?

24 A Yes.

25 Q Okay. And, again, this is -- these are

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

121

1 the invoices that your attorney sent us yesterday.
2 And the first page is a copy of the service order
3 for the very first time that they say they saw --
4 one second. Wrong one. Let me change the view here
5 so you can rotate it.

6 Here we've got October the 1st, 2018, and
7 we've got a water supply line to the tub was
8 leaking, causing a high water bill, repaired line to
9 correct problem.

10 That's what happened on the 1st; right?

11 A Right.

12 MR. VILLANI: Counsel, just for the record
13 this is Page Number 4 of Exhibit 13?

14 MS. KARABINOS: That is correct.

15 BY MS. KARABINOS:

16 Q Do you also see Exhibit Number 10 in front
17 of you?

18 A Yes.

19 Q So Exhibit Number 10 is just a sketch of
20 your home. We looked at it briefly last time. So
21 where the water leak was that the company found on
22 October the 1st, was it -- let me draw it with a
23 pencil. Was it right here?

24 A No.

25 Q Where was it?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

122

1 A You see where the little circle is?

2 Okay. That wall in between those walls
3 right there.

4 Q Right here?

5 A Yeah, behind -- yeah, behind the wall
6 right there. Yeah, right in there.

7 Q So I'm going to put that out there. And
8 that was what was found on October 1st; right?

9 A Right. But that was not the one that I
10 called about, because I didn't know about that one.

11 Q You didn't know about that one until when?

12 A When the plumber came out, he found it.
13 That's not the one that I called about, because I
14 didn't know that one was there.

15 Q Okay. When you -- who did -- who are you
16 referencing to when you said when I called about?

17 A HomeServe.

18 Q Okay. What was -- what you heard was
19 water leaking from your toilet?

20 A No, it wasn't leaking from the toilet.

21 Q You heard the water running?

22 A I heard the water running behind me when I
23 was sitting on the toilet, which led me to believe
24 it had to be in the wall between the kitchen and the
25 bathroom.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

123

1 Q So is this right where you're talking
2 about? Behind your toilet?

3 A Yeah, behind the toilet.

4 Q And so your toilet is right here where I'm
5 drawing a line to; is that correct?

6 A Yes.

7 Q Is this your freezer?

8 A No. That's the refrigerator. Actually
9 that's a cabinet sitting right there. The
10 refrigerator is in between the two cabinets.

11 Q Is the freezer right here where I'm making
12 an X?

13 A That's a refrigerator, not a freezer.

14 Q Do you have a separate freezer?

15 A I do. It's not sitting on that side at
16 all.

17 Q Where is the freezer in that home?

18 A The freezer is on the other side of the
19 wall by the cabinets over here, behind the back
20 door.

21 Q So right here?

22 A Yeah, behind the back -- this is the door
23 right here. Where it says kitchen, that's the door.
24 And to the -- if I'm standing there, it would be to
25 the right of the door. It would be sitting right --

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

124

1 right there.

2 Q Hold on. Let me make a couple of
3 corrections here.

4 A And it's not connected to any water line.

5 Q Okay. So is the freezer right here?

6 A That's a refrigerator on the wall right
7 there between the two cabinets. That's a cabinet.

8 Q Okay. So the refrigerator is right there?

9 A Yes.

10 Q So I'm going to put refrigerator.

11 A Refrigerator, not a freezer.

12 MR. VILLANI: You could put icebox. That
13 will date us all.

14 BY MS. KARABINOS:

15 Q And what is next to the cabinet right here
16 that's got the number there on it? What is in the
17 area between the wall cabinet?

18 A That's a wall. There's a cabinet on
19 the -- the refrigerator sits between two cabinets.

20 Q Okay. And is the freezer -- where's the
21 freezer? Right here?

22 A No. It's on the other side of the wall
23 behind the refrigerator door over by where the stove
24 is on the other side -- it's the back door -- no --
25 on the other side of the whole kitchen. It's on the

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

125

1 other side of the kitchen right there. Right where
2 the thing for the door is. It's behind the door --
3 beside the door. Right there.

4 Q Right here?

5 A Yes.

6 Q Okay. All right. That helps me a lot,
7 because I've never been out to your house; so this
8 is very helpful.

9 So we have the refrigerator that's sharing
10 the wall between your bathroom and your kitchen and
11 then your freezer is on the wall between your
12 kitchen and your dining room; is that correct?

13 A Correct.

14 Q Okay. So going back; so you heard water
15 running behind the wall in your toilet, that's what
16 prompted you to call HomeServe on September the
17 29th; is that correct?

18 A Correct.

19 Q Okay. Now we're on the same page. Thank
20 you for clarifying.

21 And then Hers & His Plumbing came out and
22 they found a water leak on October 1st between the
23 wall between your tub and, it looks like, the HVAC
24 closet right there; is that correct?

25 A Yeah, where the hot water tank is.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

126

1 Q Okay. And you said, I believe from your
2 previous testimony, that you still heard water
3 running even after they left that day; is that
4 correct?

5 A Right. And I called them back to let them
6 know they did not fix what I called them about,
7 because I didn't know about the one that he found.

8 Q Okay. When did that company come back
9 out?

10 A They came out on a Wednesday, same week;
11 so they came out on the 3rd.

12 Q Okay. So was it the same technician who
13 had been there on the 3rd?

14 A No, it was a different one.

15 Q All right. And was this a technician who
16 went into your crawlspace and smelled the mold?

17 A He didn't go into the crawlspace. He
18 opened the door and said there was mold down there
19 and he wasn't going in, that I had to call to get it
20 cleaned out before he would go in there. That was
21 the first time I had ever heard about mold.

22 Q Right. And he didn't do anything else?
23 Did he go into the home to see if there were any --
24 listen for the water running or anything?

25 A He didn't do anything at all.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

127

1 Q Okay. So was it after he came that you
2 then called your insurance company to report the
3 loss?

4 A That's when -- yeah. When I called the
5 insurance company was because I didn't know anything
6 about the mold. If I have a problem -- if something
7 happened I would call the HomeServe because that's
8 who my warranty company is. The warranty company is
9 HomeServe; so I would call them before I would call
10 anybody. And then once the guy came and said it was
11 mold, then I was told to call the insurance company.

12 Q And he was the one who got it from
13 Hers & His Plumbing on October 3rd who suggested you
14 call the insurance company; is that right?

15 A No. He didn't suggest anything. He just
16 said, you got mold. You got to get it fixed. Once
17 you get it cleaned out, then I'll come back.

18 I called HomeServe back to ask them what
19 to do about that, if they did that or who I need to
20 talk to about it. They're the one who said call the
21 insurance company.

22 Q Okay. Thank you for clarifying.

23 And so then you called your insurance
24 company on October 3rd; is that correct?

25 A Correct.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

128

1 Q And the first adjustor we talked about
2 last time that was a Mr. Jeffrey Teitelbaum; right?

3 A Yes. He came out on October 4th.

4 Q At the time of his inspection did you
5 still hear the water running?

6 A I did.

7 Q Okay. Did Mr. Teitelbaum still hear the
8 water running?

9 A He did.

10 Q Okay. And what did he say about the water
11 running?

12 A He was saying it was from the toilet. And
13 I told him that it wasn't from the toilet, because
14 once you put your hand down there, up against the
15 wall, you didn't get any water on your hands; so it
16 couldn't have been on the toilet.

17 Q Okay. Did he see any -- did he go
18 underneath the crawlspace?

19 A I don't know if he did or not. I don't
20 remember what he did. I know he came in the house
21 and -- he didn't say anything to me about any
22 findings; so I don't know what he did.

23 Q So when he left, did he tell you what, if
24 any, coverage was going to be afforded at that time?

25 A He didn't -- when he left, he sent me a

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

129

1 letter, said I was denied.

2 Q But when he was present, did y'all discuss
3 about what he observed, what coverages he might be
4 able to afford, or anything like that?

5 A No.

6 Q Okay.

7 A He talked to me about -- he talked to me
8 about it being denied because he said that I had a
9 ongoing thing and I didn't do anything about it.

10 But I told him, I have a warranty company
11 that takes care of the water if I have a water pipe
12 burst like I had one burst before behind the
13 refrigerator. That one happened early in the
14 morning. I called the fire department to help me
15 get that off, because it was -- HomeServe was
16 closed. So no warranty company was open at that
17 time of night -- or that time of morning to get
18 somebody out here to cut the water off.

19 So the fire department came. They helped
20 get the water out of the house. And we dried up as
21 much as we can. We put fans out and we dried out
22 everything that -- I know it was dry.

23 So I didn't know I needed to call the
24 insurance company to report it. That's why I had a
25 warranty company.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

130

1 Q When was the date of when the fire
2 department came out to help you get the water up?
3 Do you remember that?

4 A I don't remember the date. It happened
5 maybe a year or so before that.

6 Q Let me show you Exhibit Number 13 again.
7 This is a new document -- or better -- clearer
8 documents that your attorney produced to us
9 yesterday. And here's a service order on Page 1 of
10 Exhibit 13 for Delmar Construction. It is dated
11 right here, October 9th, 2016. Is this what you
12 were talking about when there was a leak behind the
13 refrigerator and the fire department came out?

14 A Yes.

15 Q Okay. And then going back to the sketch
16 that was 10, where was that water leak in 2016 that
17 the fire department assisted with?

18 A Behind the refrigerator.

19 Q So still in that wall between the bathroom
20 and kitchen?

21 A Yes.

22 Q Okay. After Mr. Teitelbaum came to your
23 house on October the 4th of 2018, who was the next
24 company to come out to your home in response to any
25 type of water or mold damage?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

131

1 A HomeServe came back on October the 5th and
2 John D. fixed that leak behind -- he fixed the leak,
3 because he went through the cabinet and fixed that
4 leak that was between the wall between the
5 bathtub -- I mean, the toilet and the cabinet. He
6 went through the cabinet and fixed it. Cut a hole
7 in there, went through the wall right there, which
8 was easier than trying to go through the wall behind
9 the toilet.

10 Q Okay. Let's go back to that same sketch.

11 And so John D. with Hers & His Plumbing
12 came out on October 5th and he when through the
13 cabinets?

14 A Yeah, he went through the cabinet.

15 Q And went to this same area that I'm
16 highlighting here, which we highlighted earlier, and
17 fixed the water leak?

18 A He went through the cabinet between the
19 wall -- between the wall behind the cabinet and
20 between the wall behind the toilet, and that's when
21 he fixed the water leak.

22 Q That stopped the hearing of the water
23 going on that you heard?

24 A Excuse me? I can't hear you.

25 Q That stopped the water running sound that

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

132

1 you had previously heard?

2 A It did.

3 Q Okay. That was the same area that you had
4 previously heard.

5 Why didn't the folks at Hers & His
6 Plumbing check that area behind the toilet when they
7 first came out October 1st? Do you know why?

8 A I don't know why -- I don't know why he
9 didn't. I don't know if he didn't hear it, because
10 he went in the house and he said he didn't see any
11 water leaking, not where I heard water. He didn't
12 see any water leaking on that side or by the
13 bathtub. That's when he found when he came out on
14 the 1st.

15 Q So I'm going to -- I wrote October --
16 October 5th inspection was that same wall behind the
17 refrigerator and behind the toilet and sink; is that
18 right?

19 A No. It was between the -- it was between
20 the cabinet. The wall between the cabinet and the
21 toilet. It wasn't behind the refrigerator.

22 Q So where I put a C, that's the cabinet
23 that they went through; correct?

24 Do you see that C?

25 A The cabinet is closer to the wall than it

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

133

1 is in the middle.

2 Q The second C? That's what you're talking
3 about?

4 A Yeah. Right here close to the wall.

5 Q All right. Let me just correct.

6 A Where the toilet is there's -- right
7 behind where the toilet on the other side of that
8 wall is a cabinet. And he went through that cabinet
9 right behind the toilet.

10 Q Okay. Right here.

11 A Yeah. Right there on the other side of
12 that wall.

13 Q So we've got the October 1st, 2018, over
14 here by the tub. We have the October 5th inspection
15 right behind the cabinet in the kitchen and the
16 toilet in that shared wall there?

17 A Right.

18 Q And did Mr. Teitelbaum tell you where he
19 observed any leak?

20 A He said that he saw one under the sink and
21 showed me that one. I didn't know that was leaking
22 under there. We got that fixed right away.

23 Q Was that the sink in your bathroom?

24 A Kitchen. It just started to drip. It
25 just started to drip, because the cabinet wasn't wet

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

134

1 under the sink.

2 Q That's what Mr. Teitelbaum saw?

3 A Yeah, that's what he said. It had just
4 started, because he felt down on the cabinet and it
5 wasn't wet. So it wasn't like it was going on and
6 we let it go on. When he saw it, he showed it to
7 me. And when they came out to fix the pipe, I
8 showed them that and they fixed that one the same
9 day that they fixed the one behind the bathtub.

10 Q Did Mr. Teitelbaum see any other leak
11 besides that one that just started underneath your
12 kitchen sink?

13 A Not that I know of. That's the only one
14 that he told me about. Other than that, I didn't
15 know.

16 Q All right. We previously looked at
17 Exhibit Number 2. Can you see that on your screen?

18 A It's very small.

19 Q Is that better?

20 A A lot better.

21 Q We looked at this one last time. It's
22 dated October 12th, 2018. It's a letter from
23 Mr. Teitelbaum to you. This is where Travelers
24 originally denied your claim that we talked about;
25 correct?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

135

1 A Correct.

2 Q And after you got that letter, you
3 testified last time that you spoke with Craig Hite
4 and he agreed to have a vendor come out and
5 reinspect; is that correct?

6 A Correct.

7 Q And that company was Emergency
8 Water & Fire Restoration. Do you recall that?

9 A Yes.

10 Q And what did Emergency Water & Fire
11 Restoration determine? Do you recall?

12 A Only thing he said to me, everything is
13 going to work out. So he said, don't worry. It
14 will be taken care of.

15 That's what he told me. Now, what he
16 meant by that? I don't know. But later they sent a
17 check. The check came from Travelers for
18 \$5,000-something. And I tried to go along with
19 the --

20 Q You will see Exhibit 6, which we also
21 looked at last time. It's a letter from Travelers
22 dated November the 9th, 2018, in which they --

23 A Right.

24 Q -- afforded coverage for a repair cost of
25 \$6,004.18. And after taking out your deductible and

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

136

1 any kind of recoverable depreciation, they issued
2 you a check in the amount of \$5,178.61; is that
3 correct?

4 A Yes.

5 MR. VILLANI: Ma'am, all of our pictures
6 are blocking the right-hand side of that document.
7 If you can just maybe squeeze it down.

8 MS. KARABINOS: Is that better?

9 MR. VILLANI: Yes.

10 MS. KARABINOS: Is that better for you,
11 Ralph?

12 MR. VILLANI: Yes, it is. Thank you very
13 much.

14 MS. KARABINOS: You're welcome.

15 BY MS. KARABINOS:

16 Q We also looked at the check notification,
17 which was Exhibit Number 5, showing that the check
18 in the amount of \$5178.61 is on its way; right?

19 A Yes.

20 Q Okay. And Mr. Teitelbaum -- he went over
21 the estimate of damages over the phone with you?

22 A Mr. Teitelbaum -- he didn't tell me
23 anything about they was doing the check. I didn't
24 talk to Mr. Teitelbaum again after that.

25 Q Mr. Teitelbaum didn't go over with you the

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

137

1 estimate for damages prior to you receiving the
2 check?

3 A Not that I recall. Not on the phone.

4 Q You don't recall any conversation you had
5 with him regarding what damages were going to be
6 afforded?

7 A I'm trying to think hard.

8 Q Do you need to review your notes?

9 A I'm looking through the paperwork I got.

10 I remember talking to him, but I don't
11 remember exactly what he said it was covering.

12 Q Do you recall telling him that you had a
13 company that would be providing an estimate of the
14 damages?

15 A He gave me a list of companies that could
16 do it for me.

17 Q And did you choose one of those companies?

18 A I did. I choose ServPro. And -- from the
19 list of people he gave me -- I used ServPro from the
20 list that he gave me.

21 Q ServPro came out; right? We talked about
22 that last time?

23 A Right.

24 Q And they prepared an estimate; correct?

25 A They -- I didn't get a copy of it. They

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

138

1 sent it to -- they sent it to Travelers.

2 Q Do you recall what happened after ServPro
3 came out to your home? What was the next thing that
4 happened?

5 A ServPro came to the house. They put those
6 big machines up to dry up the water. And they
7 stayed out -- they was here the whole week of
8 Thanksgiving that year.

9 And after that I was told that my claim
10 had been denied with -- with Travelers, because
11 Travelers was not providing any more money to cover
12 what needed to be done is what I was told.

13 Q Who told you that?

14 A I think his name was Ben. The people from
15 ServPro said that.

16 Q Ben, B-E-N?

17 A B-E-N.

18 Q Okay. Do you recall whether Travelers
19 came back out again after ServPro had been there?

20 A They sent an engineer out. I'm not sure
21 if it was after or before they came, but they sent
22 an engineer out.

23 Q Do you remember Mr. Teitelbaum coming back
24 out at one point?

25 A Mr. Teitelbaum?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

139

1 Q Yes.

2 A I don't remember him coming out. I
3 remember somebody named Jeff Barber coming.

4 Q Justin Barber.

5 A Justin Barber, yeah.

6 Q Do you remember him coming out?

7 A Yeah. He came out. Him and another guy
8 came out.

9 Q And you don't recall the name of that
10 other guy?

11 A I don't -- I was not introduced to the
12 other guy that came with him.

13 Q That other guy with Mr. Barber was not
14 Mr. Teitelbaum?

15 A It was not.

16 Q All right. And what happened while
17 Mr. Barber was at your home?

18 A He walked in and looked. And his comment
19 to me was -- y'all -- your house caved in and you
20 want somebody to do something about it after you let
21 it cave in.

22 I'm like, what? I'm like, what?

23 I didn't understand his comment.

24 Q Did you ask him to explain it further?

25 A He wouldn't say a thing to me after that.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

140

1 Q Did you try to engage him in conversation?

2 A I tried, but he wouldn't say anything. He
3 said something on the phone about trying to compare
4 homeowner's insurance with the car insurance. Like
5 if you have a lot of wrecks, you can't go to your
6 car insurance and say I had a wreck when you've
7 already had a wreck.

8 I wasn't sure what he was talking about.

9 Q So let me ask you this: Let's go back to
10 Exhibit Number 10 for a second. When you had the
11 leak in 2016, where was the water running?

12 A Behind the refrigerator.

13 Q Okay. And in same area here?

14 A Yes.

15 Q Okay. And at that time did anybody come
16 out and put up dehumidifiers or fans like they did
17 with ServPro?

18 A No, no. I didn't use ServPro.

19 Q I understand you did not use ServPro. But
20 did any other company come out and place
21 dehumidifiers or fans in 2016?

22 A No.

23 Q Was it ever recommended that you do that?

24 A No.

25 Q Did you discuss whether the area needed to

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

141

1 be dried out with the folks from Delmar

2 Construction?

3 A He didn't tell me anything about what
4 needed to be done. I dried up all the water that I
5 could dry up when the firemen was here. We
6 squeezed -- what's that squeegee thing? We did all
7 of that with the prior people who were here and
8 tried to -- got all the water that I could see up.
9 And I set fans out. He didn't tell me to do
10 anything. I set fans out and dried up.

11 And the company that Delmar came from was
12 Total Protect, which was my home warranty.

13 Q Did Total Protect advise you to put any
14 dehumidifiers or fans out?

15 A No.

16 Q Who else was out at your home when
17 Mr. Barber came? Besides the other man that you
18 don't know the name of, was there anybody else out
19 there for any other company?

20 A No.

21 Q Was ServPro there?

22 A No.

23 Q Did you have anybody out there with you,
24 such as your daughter or your grandchild or
25 anything?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

142

1 A No. They came out there. Everybody was
2 at school and work.

3 Q Okay. I'm going to show you Exhibit
4 Number 7.

5 (Scott Deposition Exhibit 7 was marked for
6 identification and attached to the transcript.)

7 BY MS. KARABINOS:

8 Q Do you see that?

9 A Yeah, I see it.

10 Q Okay. This is another letter from --

11 A Travelers.

12 Q -- Charter Oak --

13 A Travelers.

14 Q Well, it says The Charter Oak Fire
15 Insurance Company, but we'll just call it your
16 insurance company.

17 They did --

18 A Explain to me what is -- exactly what is
19 Charter Oak Fire Insurance. Is that fire insurance,
20 because I signed up for Travelers. I didn't sign up
21 for Charter Oak.

22 Q Charter Oak Fire Insurance is your
23 insurance company that provides the policy that is
24 in dispute. I've already spoken to your attorney
25 about that and that's why the defendant in this case

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

143

1 has been changed from Travelers to The Charter Oak
2 Fire Insurance Company.

3 A Well, why is it that everything that I got
4 came from Travelers? Most everything that I got
5 came from Travelers. My home insurance policy says
6 Travelers. Charter Oak is like in the middle or the
7 second page. Even a check that came to me from
8 Travelers. Nothing I have saying that it's from
9 Charter Oak Fire. And I thought -- looking at that,
10 I'm thinking that's a fire insurance, not a
11 homeowners insurance.

12 Q We talked about this last time. Your
13 policy actually shows that The Charter Oak Fire
14 Insurance Company is the company that underwrote or
15 wrote the policy. It is a company that's an
16 underwriting company under the Travelers umbrella.
17 So if you have any more questions about that, I'll
18 let you talk to your attorney about that.

19 Did you receive this letter dated December
20 the 13th, 2018?

21 A I did.

22 Q Okay. And this was a letter that you
23 received after Mr. Barber had been to your home?

24 A Yes, I believe.

25 Q Okay. So we have the same building damage

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

144

1 calculation that was in the previous letter;
2 correct?

3 A Excuse me? Say that again.

4 Q In this letter, December 13th, 2018, there
5 is the same payment calculation as was in the
6 previous letter we just looked at; right?

7 A Right.

8 Q Okay. And then if you go on Page 2 of
9 this letter, I'm going to point -- address your
10 attention to the third full paragraph. It said:
11 You presented a claim for water damage. We
12 inspected the damages with Janice Scott on November
13 30th, 2018.

14 Is that the date that Mr. Barber was
15 there?

16 A I'm not sure which one was here. I don't
17 keep a running log of who came and what day they
18 came.

19 Q You did keep some notes; right?

20 A Of who I talked to on the phone. When
21 they came in the house, I did not.

22 Q Okay. Thank you.

23 You see that your insurance carrier says
24 that the research found there to be several areas of
25 the home with long-term water damage. This was

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

145

1 determined by the amount of rotted wood and
2 water-damaged portions of your home. Per ServPro,
3 water was located throughout the home's subfloor,
4 which indicates the water has been leaking over a
5 period of time and has traveled through the home.
6 Since the water leaked over a period of time --
7 weeks, months, or years -- your policy does not
8 provide coverage.

9 Did I read that correctly?

10 A You read what it says, yeah.

11 Q Okay. When you received this letter dated
12 December 13th, 2018, did you contact anybody at your
13 insurance carrier to discuss what their research
14 found, as I just read?

15 A I was told that -- I could get my home
16 fixed for the 5,000 that they sent was what I was
17 told. I could get it --

18 Q Who told you that?

19 Who told you that?

20 A What was his name?

21 Q Was that Justin Barber?

22 A I believe it was Mr. Barber. I'm not --
23 I'm not exactly sure which one --

24 Q Do you remember when you spoke with
25 Mr. Barber.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

146

1 A I remember speaking to Mr. Barber.

2 Q Okay. Can you --

3 A I asked him on December 13th, at 8:15, the
4 insurance denied fixing. I was told that I waited
5 until my house is caving in before I call them.

6 He said, you can't wait until your home --
7 until you have a lot of car accidents before calling
8 your insurance.

9 And then I told him that I wasn't -- don't
10 talk to me like I'm stupid, because the way he was
11 trying to talk to me was like I didn't understand
12 what was going on.

13 I asked him, what did a car accident have
14 to do with my homeowner's insurance? I didn't know
15 when a pipe burst I would have to call them every
16 time it burst before they -- you know, if I did --
17 that's why I thought the warranty company was
18 covering all the damages.

19 Q Miss Scott, did the comment about
20 comparing your claim to an automobile claim -- was
21 that made over the phone, or was that made in
22 person, or both?

23 A That was on the phone.

24 Q All right. During the conversation with
25 Mr. Barber on December 13th, did y'all discuss the

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

147

1 prior leaks that you had at your home?

2 A We didn't talk about prior leaks.

3 What he said was I waited until my house
4 started to cave in to call the insurance company for
5 help. He also -- I asked him -- because they was
6 denying me, I asked him, why would y'all give me
7 \$5,178.17 when they know that was not going to do
8 anything?

9 Then he said, your insurance don't cover
10 mold or water damage or pipe bursting.

11 Q He told you --

12 A I didn't know what I was supposed to do
13 after that.

14 Q I'm sorry. Could you repeat that last
15 statement.

16 A He told me -- I asked him, why did they
17 give me \$5,178.17 when they know it wasn't going to
18 cover anything?

19 Then he said, your insurance don't cover
20 mold or water damage or pipe burst.

21 So I didn't know what I was supposed to do
22 with that.

23 Q So when you had that conversation with
24 him, had you already received this letter dated
25 December the 18th -- excuse me -- December 13th?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

148

1 A I spoke to him on December 13th.

2 Q Okay. Did you --

3 A And then -- and then a letter came later.

4 Q Okay. The letter came next. All right.

5 Did you have any other conversation with

6 Mr. Barber regarding the partial denial?

7 A No, that was with him.

8 Q Did you speak with him on December the

9 17th?

10 A When?

11 Q December the 17th.

12 A I don't recall speaking to him on the --

13 December 17th.

14 Q You haven't had -- did you ever have these

15 conversations with Mr. Barber or Mr. Teitelbaum in

16 which they advised that there was a difference with

17 regard to the damages that were estimated in

18 Travelers' estimate, to send them a contractor's

19 estimate that you might obtain?

20 A I don't recall that conversation.

21 Q You don't recall getting calls from your

22 insurance company asking you if you had obtained any

23 comparable or comparative estimates?

24 A No, I don't recall. I don't recall a call

25 about that.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

149

1 Q At one point in time you hired a
2 Mr. Fredrics. We talked a little bit about that
3 last time.

4 Go ahead.

5 A Mr. Who? I can't hear you, ma'am.

6 Q Mr. Fredrics.

7 A Yes.

8 Q When did you hire him?

9 A January. The first week of January of
10 2019.

11 Q Did you advise your insurance company that
12 you had hired Mr. Fredrics?

13 A I'm not sure if I did or not.

14 Q Do you recall having another conversation
15 with Mr. Teitelbaum on January the 7th, 2019?

16 A No. I don't recall a call with him.

17 Q You want to check your notes?

18 A I don't have a note for that.

19 Q When's the next time that you have a note
20 regarding any conversations with your insurance
21 company?

22 A I talked to him on December 5th, not 7th.

23 Q Okay.

24 A I spoke with Jeff regarding the next step.
25 He said that he's still waiting to hear something.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

150

1 I spoke with him yesterday and he was going to call
2 back. That was at 1:00. I didn't hear from him
3 until I called him on December 5th. I spoke with
4 Ben at LED, at ServPro, regarding hearing from Jeff.
5 He said that he -- he hasn't heard from him since
6 Friday. And when Jeff was here at 1:00, I left a
7 message for Angel to -- since Jeff would not call
8 back.

9 Q Angel was Angel Marino?

10 A Yes.

11 Q Okay. So what's your next contact with
12 your insurance company after December the 5th?

13 A That's the last one that I have.

14 Q Did you also keep notes of your -- of when
15 you spoke with Mr. Fredrics?

16 A I didn't keep notes with him.

17 Q You did or did not?

18 A That's -- with him, because I knew we were
19 going to be talking one-on-one.

20 The reason I did notes with the insurance
21 company is because you speak to them, you speak to
22 different people; so I would want to know when I'm
23 talking to somebody what was said when I talked to
24 them, because I spoke to several people, not just
25 one.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

151

1 MR. VILLANI: Hold on. I lost about two
2 minutes. My computer just blanked out. I'm sorry.
3 Can you just repeat the last two questions and
4 answers.

5 MS. KARABINOS: I asked if she kept notes
6 of her discussions with Mr. Fredrics.

7 MR. VILLANI: Okay.

8 MS. KARABINOS: And she said no.

9 MR. VILLANI: Okay.

10 And that was it?

11 THE WITNESS: My answer to that was no.
12 And the reason being that I was talking to Bruce
13 one-on-one; whereas when I'm talking to the
14 insurance company, I'm talking to different people.
15 So when I'm talking to them, I want to have a record
16 of what was said and who I talked to. That's why I
17 didn't keep notes on any conversation with Bruce and
18 I, because it would be one-on-one and not several
19 people.

20 BY MS. KARABINOS:

21 Q I'm going to put up Exhibit Number 1.
22 This is the document that your attorneys produced
23 back on March the 8th of 2021. We looked at some of
24 the pages in here before. The first one we looked
25 at was Page 1 of that exhibit and that's when you

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

152

1 reached out to Mr. Fredrics on January the 2nd,
2 2019; is that right?

3 A Yes.

4 Q And you were asking -- you indicated to
5 him that you needed an estimate for my homeowners
6 insurance to compare their estimate to.

7 Did I read that correctly?

8 A Yes, you did.

9 Q Okay. So you were asking him to provide
10 you with a comparison as submitted; is that correct?

11 A I was asking him because I needed to know
12 what I could do and who could help me. I'm trying
13 to get help to get my house fixed. So I asked him
14 as an appraisal -- I was trying to find out what
15 would be my best options.

16 Q Best options for responding?

17 A Finding someone that would help me
18 compared -- I was trying to compare what the
19 insurance gave me to somebody else that could help
20 me trying to get some help to find out what I could
21 do, because the money that they gave was not enough
22 to get the work done.

23 Q We talked about at your previous
24 deposition that y'all had a telephone call. You had
25 a telephone call with Mr. Fredrics; right?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

153

1 A Yes, I did.

2 Q And then you entered into an agreement
3 with him?

4 A Actually Mr. Fredrics came to my house.

5 Q When did he come to your house?

6 A I think it was later that day or the next
7 day. I'm not sure. It was in that first week.

8 Q On either January 2nd or 3rd?

9 A Maybe. I'm not sure exactly what day it
10 was. It was -- it was that week.

11 Q What did you and Mr. Fredrics do when he
12 came out?

13 A We talked about how he could help me find
14 out how -- finding out how to get the insurance to
15 help me to pay to get the work done in my house. He
16 said he could help me with that and that was what we
17 talked about about getting -- trying to get help to
18 get my house fixed.

19 Q How did he advise that he could help you?

20 A It was the appraisal and being the
21 appraisal he could talk to them for me.

22 Q Last time we spoke in your deposition you
23 said that he was your public adjustor. Now you're
24 saying he's your appraisal?

25 A Appraisal. He's an appraisal.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

154

1 Q So your previous testimony two weeks ago
2 that he was your public adjustor; was that
3 incorrect?

4 A It was incorrect.

5 Q And did anybody between now and -- between
6 then -- your deposition that we held two weeks ago
7 and now, did they correct you, tell you that that
8 was an incorrect response, that he was not your
9 public adjustor?

10 A I'm not understanding what you mean.

11 Q You previously testified that he was your
12 public adjustor and now you're saying he was your
13 appraiser.

14 A He was appraiser. I had it mixed up,
15 which appraiser and adjustor. I thought they were
16 the same; so I had it mixed up.

17 Q How did you determine that you had it
18 mixed up?

19 A I went back over paperwork and read it.

20 Q And what paperwork did you go over?

21 A I have a appraisal from -- a letter from
22 Mr. Villani with the appraisal that he -- that
23 Mr. --

24 MR. VILLANI: Miss Scott, you do not
25 discuss any communication between me and you. Okay?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

155

1 THE WITNESS: Okay. All right.

2 BY MS. KARABINOS:

3 Q So what -- what was the appraisal that you
4 received?

5 A The appraisal for my house.

6 Q Do you recall telling Travelers/Charter
7 Oak/your insurance company that Mr. Fredrics was
8 your public adjustor?

9 A No, I don't remember telling them that.

10 Q Do you have any notes regarding any
11 conversation that you had with your insurance
12 company regarding the involvement of Mr. Fredrics
13 and his role in your claim?

14 A I don't recall.

15 Q And you don't have any notes, do you?

16 A No, I don't.

17 Q All right. I'm going to show you Exhibit
18 1, Page 59 of that exhibit. We looked at this a
19 little bit last time. This is a retainer notice
20 that both you and Mr. Fredrics signed; is that
21 correct?

22 A Correct.

23 Q Okay. And it says retainer notice. Did
24 you give him any money?

25 A No. I have not given him anything.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

156

1 Q Have you executed any other documents with
2 Mr. Fredrics besides this one retainer notice and
3 the power of attorney notice that we looked at last
4 time?

5 Let me see if I can find that for you.
6 That's on Page 275. There is the limited power of
7 attorney. Do you recall signing any other documents
8 with him?

9 A I signed this document with him.

10 Q Okay. So we've got the limited power of
11 attorney, the retainer notice that we just looked
12 at. Were there any other documents that you signed
13 with Mr. Fredrics?

14 A I'm not sure. I don't have another one.

15 Q Would you have copies of it if you had
16 signed anything else?

17 A I'm not sure. I'm looking through my
18 paperwork. I don't see another one right off.

19 Q Let me show you Page 235 of Exhibit 1. Is
20 this the appraisal that you --

21 A That's the appraisal that I got from him,
22 yes.

23 Q So it looks like he inspected your home on
24 January 2nd, 2019. Does that sound about right?

25 A Yes.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

157

1 Q Okay. Did anybody else come with him?

2 A No.

3 Q How many times has Mr. Fredrics been to
4 your home?

5 A I don't remember exactly.

6 Q Was it more than the first time on January
7 2nd, 2019?

8 A I'm not exactly sure, ma'am. To be
9 honest, I don't remember.

10 Q Did anybody else come out with him when he
11 first inspected your home on January 2nd, 2019.

12 A No. He came out by himself at that point.

13 Q All right. I'm going to show you Page 396
14 of Exhibit Number 1. And this is a -- some type of
15 report from David Hawkins dated October 16th, 2019.

16 Who is David Hawkins?

17 A Can you enlarge it so I can see it good.

18 Q Yes. Is that better?

19 A Yes.

20 Q Have you ever seen this? I guess it's a
21 report dated October 16th, 2019.

22 A This would be from the insurance?

23 Q No, ma'am, it's not.

24 A It's not?

25 Q No.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

158

1 A 2019? That -- oh, okay. I don't remember
2 his name. He came out. He was a inspect -- what
3 you call that? Engineer? A engineer for --

4 Q Who asked this engineer, Mr. Hawkins, to
5 come out to your home?

6 A Bruce.

7 Q Did you know why?

8 A He came out to inspect the house, as far
9 as I know.

10 Q Who was present with Mr. Hawkins when he
11 came out?

12 A Excuse me?

13 Q Who was with Mr. Hawkins when he came out?

14 A He came out alone.

15 Q Were you there?

16 A Yes.

17 Q Was Mr. Fredrics there?

18 A No.

19 Q What was your understanding about why
20 Mr. Hawkins was coming out at Bruce's request?

21 A He was an engineer coming out to inspect
22 the home.

23 Q Did you receive a copy of this October
24 16th, 2019, report?

25 A No. I don't have a copy of this.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

159

1 Q What did you see Mr. Hawkins do?

2 A He looked at all the walls, the floors.

3 He went under the house.

4 Q Did he take pictures?

5 A He did.

6 Q Did he take any measurements?

7 A I'm not sure.

8 Q You didn't see a measuring tape being
9 utilized?

10 A I didn't follow him around the house. I
11 don't know exactly what he did.

12 Q Besides yourself and Mr. Hawkins, who else
13 was there?

14 A Just me.

15 Q And what did you and Mr. Hawkins talk
16 about?

17 A We didn't.

18 Q Y'all didn't talk about anything?

19 A He just told me he was there to do the
20 inspection. He went about doing his business and I
21 let him do what he needed to do. And when he
22 finished, he said, have a good day and I'll get this
23 report to Mr. Fredrics.

24 Q He didn't tell you anything about the
25 warping of the subfloors that he observed or any of

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

160

1 the water or moisture intrusion that he observed?

2 A No.

3 Q Did he ask you about the number of leaks
4 that you had had?

5 A We didn't discuss that.

6 Q Y'all didn't discuss anything about any of
7 the damage or any of the leaks?

8 A No. Just like we didn't discuss anything
9 when Travelers came out. Travelers came out and did
10 the same thing; they walked through and did what
11 they had to do and didn't tell me anything.

12 Q Okay. I'm going to show you Page 377 of
13 Exhibit Number 1. This is a bill in the amount of
14 \$1,350 that Mr. Hawkins apparently sent
15 Mr. Fredrics. Were you aware of this bill?

16 A No.

17 Q Do you know who paid that bill?

18 A No.

19 Q Were you ever asked to pay that 13 --

20 A To my knowledge, nothing has been paid.

21 Q Let me back up.

22 Did you ever know that Mr. Hawkins had
23 charged \$1350 for his inspection?

24 A No, ma'am, I didn't.

25 Q So you never received a copy of that; is

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

161

1 that correct?

2 A Correct. I do not have a copy of it.

3 Q And you have not paid it?

4 A No, I have not paid it.

5 Q Has Mr. Fredrics ever asked you to pay
6 anything following his involvement in the claim?

7 A No, he has not asked me to pay anything.

8 Q Let me show you Page 31. This is an
9 e-mail from Mr. Fredrics to Mr. Hawkins dated June
10 30th, 2019, in which Mr. Fredrics says: See
11 attached report from the insurance company engineer
12 for Janice Scott who we will be inspecting on
13 Wednesday.

14 So was Mr. Fredrics there when Mr. Hawkins
15 arrived or at any time?

16 A No.

17 Q Do you know what insurance company
18 engineer report that Mr. Fredrics is referring to in
19 this June 30th, 2019, e-mail?

20 A No, I do not.

21 Q Let's go to Exhibit Number 8, I believe.
22 Hold on just a minute.

23 MR. VILLANI: Counsel, what exhibit is
24 that you're talking about?

25 MS. KARABINOS: Can you repeat that,

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

162

1 Ralph.

2 MR. VILLANI: I didn't hear. You said
3 let's go to exhibit number, and I didn't hear what
4 exhibit number you're going to.

5 MS. KARABINOS: I'm just getting to that.
6 I think we're going to have to go back to the same
7 page in the same exhibit.

8 BY MS. KARABINOS:

9 Q Let's go to Page 323 of Exhibit 1. It
10 looks like this is a fax note that you sent to
11 Mr. Villani and Mr. Fredrics dated April 2nd, 2019;
12 is that correct?

13 A That's right, yes, ma'am.

14 Q Okay. And so you're sending a copy of the
15 denial letter from Travelers to Mr. Villani and
16 Mr. Fredrics; is that right?

17 A Correct.

18 Q When did you retain Mr. Villani as your
19 attorney in this matter?

20 A I'm not sure the date that he became the
21 attorney.

22 Q I guess it was prior to April 2nd, 2019.

23 A Yes, but I'm not exactly sure what date.

24 Q Do you know how long it was before you
25 sent this letter that you retained Mr. Fredrics?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

163

1 A Not right off, I don't.

2 Q How were you referred to Mr. Villani?

3 A Excuse me?

4 Q How were you referred to Mr. Villani?

5 A Through Mr. Fredrics.

6 Q Let's look at Page 326 of Exhibit Number
7 1. It looks like this is another handwritten fax
8 that you sent to Mr. Villani and Mr. Fredrics dated
9 April 14th, 2019; is that correct?

10 A Yes.

11 Q And it looks like you're sending a
12 certified letter from an Aldy -- A-L-D-Y -- Baker.

13 A Right.

14 Q And that's on the following page, 327 of
15 Exhibit Number 1. Tell me when you received this
16 letter and what it was about.

17 A They demanded that I pay a -- proof that
18 my house had been repaired.

19 Q First of all, Aldy Baker? Who is she?

20 A She's from the insurance -- she's the
21 person that the insurance -- that the insurance came
22 through.

23 MR. VILLANI: I'm sorry. I didn't hear
24 that answer, Miss Scott.

25 THE WITNESS: She's the person that -- in

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

164

1 the company that wrote the insurance. Who get
2 the -- the agent that wrote the insurance.

3 MR. VILLANI: Your insurance agent. I'm
4 sorry. Thank you.

5 BY MS. KARABINOS:

6 Q She's your insurance agent with what
7 company?

8 A The insurance agent was --

9 Q Is that IAS?

10 A Yeah.

11 Q Okay. So that's who you went to to get an
12 insurance policy; right?

13 A That's who Habitat got the insurance
14 policy through.

15 Q And so they're attaching a copy of the
16 notice that they received from Travelers in
17 regarding care needed at your home. And so attached
18 to her letter to you is an April 8th, 2019, letter
19 noting your policy number on here with The Charter
20 Oak Fire Insurance Company and action requiring your
21 attention. It says: Conditions, the plumbing is
22 leaking in areas. The bathroom floor is sinking.
23 There are extensive water damage throughout the
24 home. There is mold in the crawlspace.

25 Did I read that correctly?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

165

1 A You read it correctly.

2 Q So at the time of this letter, April 8th,
3 2019, is it true that the bathroom floor is sinking
4 at that time?

5 A When -- we had got -- we fixed it
6 ourselves before we got this letter, but it was --
7 the toilet -- around the toilet, yes, it was from
8 the water damage.

9 Q Was that the repair that you were telling
10 me about your boyfriend and y'all put in a piece of
11 plywood down; is that right?

12 A Yes, yes.

13 Q Okay. And it says: There are extensive
14 water damage throughout the home.

15 What damages existed in April of 2019?

16 A The pipe that was busted behind the
17 bathtub, the one in between the wall between the
18 kitchen and the bathroom, and the one behind the
19 refrigerator.

20 Q Had they been repaired?

21 A Yes, they've been repaired.

22 Q Did water damages -- as a result of the
23 pipe leak were they repaired?

24 A It's been repaired --

25 Q I'm sorry, Miss Scott. We lost you.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

166

1 A I don't know what happened.

2 Q Technology; right?

3 A I can hear you well, but I can't see you.

4 Q Okay.

5 MR. VILLANI: I can barely hear you,
6 Karen. It sounds like water. It sounds like a pipe
7 burst behind you.

8 MS. KARABINOS: No pun intended; is that
9 right, Ralph?

10 Okay.

11 THE WITNESS: Uh-oh.

12 MS. KARABINOS: Uh-oh what?

13 THE WITNESS: I don't know what's
14 happening. But I can --

15 Can you hear me?

16 (Crosstalk.)

17 THE WITNESS: Can I go out and come back?

18 MS. KARABINOS: Yes. Thank you.

19 We'll go off the record for a second.

20 (Recess taken from 11:14 a.m. to 11:25
21 a.m.)

22 MS. KARABINOS: Back on the record.

23 BY MS. KARABINOS:

24 Q So, Miss Scott, we were looking at Page
25 328 of Exhibit Number 1. The notification of --

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

167

1 regarding action requiring your attention,
2 preventative property maintenance before we took a
3 break. And so at the time of this report dated
4 April the 8th, 2019, the water had stopped leaking
5 in your home; is that correct?

6 A Correct.

7 Q Had the damage that the water caused to
8 your home -- had it been repaired?

9 A No.

10 Q Does it -- is it still not repaired?

11 A Correct.

12 Q What needs to be done?

13 A The floors need to be fixed.

14 Q In your opinion -- I'm not asking you as a
15 construction expert, but as a homeowner, what is the
16 issue with the floors in your home?

17 A In the bathroom.

18 Q Just the bathroom?

19 A Excuse me?

20 Q Is it just the floors in the bathroom?

21 A The one that I see.

22 Q What else needs to be done that's been
23 caused by the water damage?

24 A I can't understand you.

25 Q What other repairs are needed that you as

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

168

1 a homeowner see needs to be repaired as a result of
2 water damage?

3 A Where the water bust through the wall and
4 my cabinets need to be fixed.

5 Q Okay. In the kitchen?

6 A The kitchen cabinets need to be replaced
7 and the wall behind the refrigerator needs to be
8 fixed.

9 Q What else?

10 A Also the wall behind the bathroom.

11 Q Behind the bathtub?

12 A Yes.

13 Q Okay. Anything else, in your opinion as a
14 homeowner?

15 A No, not in my opinion.

16 Q What mold still exists in your home?

17 A The mold is in the crawlspace and I do not
18 go down there.

19 Q Have you had anybody else come out and
20 take a look at the mold in your crawlspace?

21 A No. And then someone been down there to
22 change out the thing on the dryer and they didn't
23 say anything about mold; so I'm not sure what's
24 going on down there.

25 Q What are you referring to?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

169

1 MR. VILLANI: Counsel, I think that was
2 asked and answered. She said that Mr. Hawkins went
3 into the crawlspace.

4 MS. KARABINOS: Mr. Who?

5 MR. VILLANI: Hawkins. Her expert -- her
6 engineering expert, David Hawkins, went into the
7 crawlspace.

8 BY MS. KARABINOS:

9 Q Did Mr. Hawkins go in the crawlspace?

10 A Yes.

11 Q Did he say anything about mold?

12 A Mr. Hawkins really didn't discuss what he
13 found with me.

14 Q Was anybody else in the crawlspace other
15 than Mr. Hawkins?

16 A Not as far as mold goes, but someone came
17 and fixed my dryer and they didn't say anything
18 about mold, down there. But they wasn't there for
19 that; so I don't know.

20 Q Who came out to repair your dryer?

21 A Somebody from -- I don't remember the
22 name.

23 Q From who?

24 MR. VILLANI: Can you repeat that question
25 and answer. You both broke up very bad.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

170

1 MS. KARABINOS: I'm going to let
2 Michelle --

3 Read it back if you can, Michelle.
4 (Record read back as requested.)

5 A Someone from Angie's List. I don't
6 remember the name.

7 MR. VILLANI: Miss Scott, you talked over
8 her and nobody heard either one of you.

9 THE WITNESS: I'm sorry.

10 MR. VILLANI: Can you just say the name
11 very slowly and maybe you can spell it for all of
12 us.

13 A Angie's List. The one that they list --
14 show on the TV.

15 BY MS. KARABINOS:

16 Q Do you have any paperwork regarding who
17 from an Angie's List came out?

18 A No. I just -- no, I just -- I don't
19 remember what I did with the paperwork. It didn't
20 have anything to do with the insurance thing; so I
21 didn't keep it.

22 Q So that was somebody who came out just to
23 repair your dryer; is that correct?

24 A Correct.

25 Q Okay. Now I want to ask you about whether

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

171

1 you had any other communications with Aldy Baker,
2 with your insurance agency regarding the letter that
3 we have up on Page 328 of Exhibit Number 1. Did you
4 call Mr. -- Miss Baker regarding that letter?

5 A I haven't talked to her.

6 Q What did you do, if anything, in response
7 to getting the letter that's on Page 327 of Exhibit
8 Number 1?

9 A I gave it to Mr. Villani. I haven't done
10 anything with the letter.

11 Q Sitting here today, the only repairs, if
12 you will, that were made for where the leaks have
13 been stopped and the -- you and your boyfriend put
14 in a sheet of plywood near the toilet; is that
15 correct?

16 A Correct.

17 Q Okay. So now I want to ask you if you
18 could -- do you recall -- I want to -- I want to go
19 over all the people who have come out to inspect
20 your home since September the 29th. And I've been
21 keeping a list during your testimony and I want to
22 make sure that I've got everybody that's come out.

23 So the first folks were Hers & His
24 Plumbing; right?

25 A Correct.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

172

1 Q Representatives of your insurance company;
2 correct?

3 A Correct.

4 Q We've got ServPro; right?

5 A Correct.

6 Q We've got Emergency Water & Fire; correct?

7 A Correct.

8 Q We have Mr. Fredrics; correct?

9 A Correct.

10 Q We have Mr. Hawkins. David Hawkins?

11 A Correct.

12 Q And was there not also an engineer from --
13 that was sent out by your insurance company, Michael
14 Cannon with Forcon?

15 A I don't know his name, but someone came
16 from Travelers company, yeah.

17 Q Do you know when that person came out?

18 A Excuse me? Some music started playing
19 from somewhere, and I didn't hear you.

20 Q Do you know when the engineer that was
21 sent out by your insurance company came out?

22 A I don't remember the date, ma'am.

23 Q Do you know who came out with him?

24 A He came by himself.

25 Q Other than those companies and individuals

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

173

1 that we just went over, has there been any other
2 company or individual that's come out to your home
3 specifically to inspect the damages that you're
4 seeking to recover from your insurance company?

5 A No.

6 Q Have you had anybody else other than
7 Mr. Fredrics and ServPro come out at your request to
8 provide you with an estimate of the damages?

9 A No.

10 Q Did ServPro take photos?

11 A I'm not sure if they did. I don't
12 remember.

13 Q Did Mr. Fredrics take photos?

14 A Yes, he took photos.

15 Q Did Hers & His Plumbing take photos?

16 A No.

17 Q And you're not sure whether Mr. Hawkins
18 took photos; is that correct?

19 A I'm not sure what he did.

20 Q All right. We're going to go to Exhibit
21 Number --

22 A Oh.

23 Q Yes, ma'am?

24 A A plumber came out, but I can't remember
25 the name, for Mr. Fredrics.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

174

1 Q Fredrics had a plumber come out?

2 A Yeah, but I don't remember the name.

3 Q What did the plumber do?

4 A Check the pipes. That was it.

5 Q Were the pipes leaking at that time?

6 A No.

7 Q Did you get a bill from the plumber?

8 A No.

9 Q Did you know who the plumber was before
10 they arrived?

11 A He told me. I don't remember the name. I
12 think it was Silver or something like that.

13 Q Do you know when they came out?

14 A It was sometime in '19.

15 MS. KARABINOS: Ralph, do you know who
16 that is?

17 MR. VILLANI: No, ma'am. I don't have my
18 records in front of me. I'm sorry.

19 BY MS. KARABINOS:

20 Q All right. I'm going to show you Exhibit
21 Number 11.

22 (Scott Deposition Exhibit 11 was marked
23 for identification and attached to the transcript.)

24 BY MS. KARABINOS:

25 Q Do you see that on the screen, Miss Scott?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

175

1 A Yes, I do.

2 Q Okay. I'll represent to you that this is
3 a copy of the lawsuit that was filed by Mr. Villani
4 on your behalf. It was filed back on September
5 22nd, 2020. Okay. Let me get my copy out here.

6 MR. VILLANI: Just for the record,
7 Counsel, it was filed by me and Alex Hait, H-A-I-T.
8 So there's co-counsel on this case.

9 BY MS. KARABINOS:

10 Q So it's filed by both Mr. Villani and
11 Mr. Hait; is that correct?

12 A Yes.

13 Q Let me back up. I just want to make sure
14 I'm clear on one thing.

15 When you called HomeServe on September
16 29th, that's when you heard the water running;
17 correct?

18 A Yes.

19 Q And that water running did not stop until
20 Hers & His Plumbing came out on October the 5th; is
21 that right?

22 A Correct.

23 Q Okay. So that's the loss that you
24 reported to your insurance company; correct?

25 A Correct. To begin with, yes.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

176

1 Q And what do you mean to begin with?

2 A Excuse me.

3 Q What do you mean by to begin with?

4 A That's all that was -- that's the one that
5 I knew about with the mold.

6 Q Do you know the amount of damages that
7 you're seeking from your insurance company as a
8 result of that loss?

9 A Do I know what?

10 Q The amount of damages that you are seeking
11 from your insurance company as a result of that
12 loss?

13 A You're asking the amount we're suing for?
14 Is that what you're saying?

15 Q Yes.

16 A It's 200-and -- ooh, God, I'm bad with
17 numbers. I know it's \$200-and-something-thousand.
18 I can pull that up on my phone.

19 Q I was going to see if I could find it for
20 you. Hold on just a second.

21 A It's 229 or 27,000. Yeah, that's it.
22 \$227,229.44.

23 Q And 44 cents?

24 A And 44 cents. Yeah. That's it.

25 MR. VILLANI: Counsel, that paragraph

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

177

1 speaks for itself. It says plus attorney fees,
2 expert fees, punitive damages, bad faith damage,
3 RICO damage, and prejudgment and postjudgment
4 interest. So that's -- I would object to the fact
5 that you're trying to tender a document with the
6 exact number.

7 MS. KARABINOS: Ralph, you interrupted me.
8 I was going to get to that.

9 MR. VILLANI: Okay. Sorry. My bad.
10 BY MS. KARABINOS:

11 Q So the loss and damage in the amount of
12 excess of \$227,229.44. Do you see that, Miss Scott?

13 A Yes.

14 Q And then there's a parentheses that says:
15 Plus both claims.

16 A I didn't understand you. You're breaking
17 up really bad.

18 Q Can you hear me now?

19 MR. VILLANI: I cannot hear you. That hum
20 is back.

21 BY MS. KARABINOS:

22 Q Can you hear me, Miss Scott?

23 A I hear you now.

24 Q Okay. So it says right after -- if you
25 look on Page 4 of Exhibit Number 11, after that

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

178

1 amount we just talked about, it says: For both
2 claims.

3 And I'm asking you: What does that mean?
4 Both claims?

5 A Pipe -- the pipe burst -- the pipe
6 bursting and the mold damage.

7 Q Is it the mold from the pipe burst that
8 you heard the water running from?

9 A I have no idea where the mold came from,
10 but I know it's mold under there.

11 Q Now, going -- on that same sentence, it
12 says: Plus attorney fees and costs, expert fees,
13 punitive damages, bad faith damages, RICO damages,
14 and prejudgment and postjudgment interest.

15 Do you see that?

16 A I see it.

17 Q Are you aware that the Court has dismissed
18 some of those claims?

19 A Did I do what?

20 Q Are you aware that the Court has dismissed
21 some of those claims?

22 A No, I'm not aware.

23 Q I'll let you talk to your attorney about
24 that.

25 A Are you aware that I was part of a class

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

179

1 action lawsuit against Travelers also?

2 Q I was only aware by what your attorney has
3 produced to us.

4 A And I opted out to go on my own.

5 Q What was that class action about,
6 Miss Scott?

7 A The class action about Roe versus the
8 Travelers Home & Marina Insurance. It's about --
9 it's Travelers right -- mediation coverage
10 settlement class action lawsuit.

11 Q When were you first advised of that class
12 action?

13 A I'm trying to find a date on it.

14 Q Did you receive some type of notification?

15 A Yeah, I got it in the mail.

16 Q Okay. Take your time.

17 A I don't see a date on it.

18 Q Did you file anything in response to that
19 notification?

20 A I opted out.

21 Q Did you send anything to them saying you
22 were opting out?

23 A I sent the letter that said -- did I send
24 it? I didn't send it. No. I called and talked to
25 someone, told them I was opting out.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

180

1 Q When did you do that?

2 A September 29th of '18.

3 Q And do you have a note or something there
4 that shows that's when you called?

5 A I did have a form that I filled out, but I
6 didn't send it in. I just talked to somebody. I
7 spoke with Carlene -- no, I spoke to her on the --
8 that's the wrong date. I'm sorry.

9 I spoke to her on 11/12 of '20 at 1:05
10 regarding opting out of the settlement. And that's
11 Carlene.

12 Q Carlene?

13 A Carlene.

14 Q What was the number -- what's the
15 telephone number you called?

16 A Hold on. Wait a minute. There's a lot of
17 pages here. I'm trying to go through to find the
18 number.

19 All right. It's a 215-568-2900. I'm not
20 sure if she's in Anthony -- and I don't know how to
21 pronounce his last name; it's D-I-U-L-I-O -- office
22 or if she was in Kenneth Grunfeld. And that's
23 G-R-U-N-F-E-L-D. His phone number is 215-985-9177.
24 I'm not sure which lawyer's office it was in.

25 Q Okay.

Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)

181

1 A And the phone number if you have any
2 questions -- that was the -- that was the phone
3 numbers that I called.

4 Q Okay. I'm going to show you what we've
5 marked as Exhibit Number 12.

(Scott Deposition Exhibit 12 was marked
for identification and attached to the transcript.)

8 | BY MS. KARABINOS:

9 Q And this is a document called Plaintiff's
10 Initial Disclosures. Have you ever seen this
11 document before?

12 A Excuse me?

13 Q It's called Plaintiff's Initial
14 Disclosures. Have you seen this document?

15 A Yes.

16 Q Okay. If you go on to Page 15 of this
17 document, it identifies the individuals likely to
18 have discoverable information that you may use in
19 support of your claims or defenses, unless solely
20 for impeachment. It's got -- here your counsel has
21 listed you and him, Mr. Fredrics, Georgia General
22 Contracting and Consulting.

23 That is Mr. Fredrics -- one of his
24 companies; correct?

25 A Yeah, I think so.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

182

1 Q The remediation company defendant hired
2 and sent to plaintiff's home to mitigate water
3 damages which they failed to do.

4 Do you see that?

5 A I see it.

6 Q Who is the mediation company that y'all
7 are referencing here?

8 A As far as I know it's Mr. Fredrics.

9 Q Did --

10 A I don't know who he hired to do that.

11 Q So the remediation company defendant
12 hired. That would be my client. What remediation
13 company are you aware of that the insurance company
14 hired to mitigate the water damage?

15 A My insurance company hired?

16 Q That's what it says there. Are you aware
17 of any remediation company that your insurance --

18 A That you hired? You said my insurance
19 company; right?

20 Q Yes. Are you aware of any?

21 A I'm not aware who the insurance company
22 hired.

23 Q I'm not either.

24 A Excuse me?

25 Q I am not either. So I'm trying to figure

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

183

1 out who this is.

2 A I don't know. The only ones I know that
3 came out is the one that Mr. Hait sent out. Water &
4 Fire something. I don't remember their name.

5 Q Emergency Water & Fire. But they were not
6 there to actually mitigate the damages, were they?
7 They were just to inspect; is that right?

8 A As far as I know. I'm not sure what they
9 was there for. They did an inspection and talked to
10 Mr. Hait. They didn't -- they didn't give me any
11 information as to what they found. They just said
12 everything was going to be all right. And I just
13 said okay and I went with what he said.

14 Q ServPro came out and they put out
15 dehumidifiers and fans; correct?

16 A Correct.

17 Q Did that mitigate the water damage?

18 A It dried up some water, yeah. The air and
19 whatever.

20 Q Did it dry up all of the water?

21 A I don't know.

22 Q Has anybody told you that the work that
23 ServPro did at your home did not take care of the
24 water mitigation?

25 A No.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

184

1 Q So as you can see these are the lists of
2 people that are -- have been identified that have --
3 likely to have discoverable information that you
4 would need to support your claims. And is there
5 anybody else other than these individuals that you
6 are aware of that have discoverable information?

7 A No, ma'am, there isn't anybody that I'm
8 aware of.

9 Q All right. Then the next one asks for --
10 MR. VILLANI: Counsel, not to interrupt,
11 but would you mind asking my client if she
12 understands the term discoverable information.

13 BY MS. KARABINOS:

14 Q I'll ask it this way: Are you aware of
15 anybody else who has knowledge of the water leak and
16 damages that you have at your home?

17 A I'm not.

18 Q Do you know what I'm asking you,
19 Miss Scott?

20 A You're asking if there's somebody else who
21 would know something? Is that what you're asking?

22 Q Yes. Is there anybody else that would
23 know about the water leak and the damage that you
24 have at your home?

25 A Outside of these people over here at the

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

185

1 top, I wouldn't know.

2 Q Nobody else?

3 A The insurance people.

4 Q It's listed: Defendants and its agents,
5 employees, adjustors, and counsel.

6 So I assume that would be everybody that's
7 associated with my -- with my client.

8 A I have no idea.

9 Q Okay. All right. Paragraph 4, which is
10 on Page 15 of Exhibit 12, asks about any experts.
11 Are you aware of any experts that had been retained
12 on your behalf to provide an expert opinion
13 regarding the issues in this case?

14 MR. VILLANI: Karen, I object to that.
15 That's not what that statement says. That no
16 experts were hired for trial. I would object
17 because you know that Mr. Fredrics and Mr. Hawkins
18 are both experts that were hired by my client, and
19 we don't know if they're going to testify as experts
20 at trial. So please don't mischaracterize what that
21 paragraph says. That's my objection.

22 BY MS. KARABINOS:

23 Q Miss Scott, are you aware of any experts
24 that have been hired on your behalf for any reason?

25 A Mr. Fredrics. That's who I thought you

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

186

1 was talking about.

2 Q What about Mr. Hawkins?

3 A And Mr. Hawkins. Those two are the only
4 ones that I know of. I asked you were you talking
5 about the people up at the top that we named
6 already.

7 Q Well, Mr. Hawkins is not identified in the
8 Paragraph 3.

9 A But Mr. Fredrics is.

10 Q Yes.

11 MR. VILLANI: Yes. And, Counsel, I will
12 admit that's my fault and I will move to correct to
13 add Mr. Hawkins on there. I don't know why I left
14 him off. That's my -- my fault. I'll take the
15 blame for that.

16 MS. KARABINOS: You know, Ralph, as we
17 addressed in e-mails yesterday, if you're going to
18 have somebody identified as an expert and that
19 expert that's going to present that at trial, that
20 person needs to be identified and reports submitted,
21 along with the other information that's required
22 under the Rule 26(a)(2)(B). And that needs to be
23 done before the end of discovery and in time for me
24 to depose them should you identify them.

25 MR. VILLANI: Will do.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

187

1 BY MS. KARABINOS:

2 Q Miss Scott, were you aware that a
3 complaint had been filed with the Department of
4 Insurance regarding this claim?

5 A Repeat, please.

6 Q Are you aware that a complaint was filed
7 with the Georgia Department of Insurance regarding
8 your claim?

9 A Department of Insurance? I'm not sure
10 what you mean.

11 Q I'll pull it up here.

12 (Scott Deposition Exhibit 4 was marked for
13 identification and attached to the transcript.)

14 BY MS. KARABINOS:

15 Q Look at Exhibit Number 4 that I have in
16 front of you. This is from the Office of Insurance
17 and Safety Fire Commissioner here in the State of
18 Georgia. This is the complaint that was filed on
19 June the 1st, 2020. Name of insured, it's got your
20 name. And the complainant is Bruce Fredrics. Did
21 you know that he had filed a complaint?

22 A I wasn't aware that he had filed a
23 complaint, but I did put the case over into his
24 hands for him to do what is needed in this case for
25 me. He's an expert at what he do; I'm not. So

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

188

1 whatever he saw fit to do was what he was doing.

2 Q My question was: Were you aware that he
3 had filed a complaint?

4 And the answer to that question is what?

5 Miss Scott, were you aware that he had
6 filed a complaint?

7 A I'm aware that he had been working on my
8 case.

9 MS. KARABINOS: I'm going to object to the
10 responsiveness of the answer.

11 A Yes.

12 BY MS. KARABINOS:

13 Q Were you aware that he had filed a
14 complaint with the Office of Insurance and Safety
15 Fire Commissioner for the State of Georgia on your
16 behalf?

17 A Yes.

18 Q When did you -- when did you become aware
19 that he had filed this complaint?

20 A I was aware that he was dealing with the
21 insurance, trying to get my case settled.

22 Q With the --

23 A Until -- I was not aware of all of that,
24 the details of it.

25 Q So you were aware that he was working with

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

189

1 the Department of Insurance to get --

2 A I was aware that he was working on the
3 case with the insurance -- working to get the
4 insurance to settle my case.

5 Q Were you aware that he had actually filed
6 this complaint, though?

7 A No, I wasn't.

8 Q Okay. So have you ever seen Exhibit 4,
9 which is in front of you right now?

10 A No, ma'am, I haven't.

11 MR. VILLANI: What exhibit is that, Karen,
12 that you're showing us now? I can't see it because
13 the pictures are --

14 MS. KARABINOS: I didn't mean to do that.

15 MR. VILLANI: What exhibit? It said an
16 exhibit number and I saw it and I'd like to use that
17 as part of my questioning to my client. So what
18 exhibit was that?

19 MS. KARABINOS: The one with the
20 Department of Insurance?

21 MR. VILLANI: No. The big old Travelers.
22 I wanted to see that one.

23 MS. KARABINOS: Exhibit Number 5.

24 MR. VILLANI: Exhibit Number 5. Okay.

25 Madam Court Reporter, we're going to be

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

190

1 using that.

2 MS. KARABINOS: Give me just a minute.

3 BY MS. KARABINOS:

4 Q Miss Scott, did you have a maintenance
5 account with Habitat for Humanity?

6 A I did.

7 Q And what did you use that for?

8 MR. VILLANI: I can't hear you.

9 BY MS. KARABINOS:

10 Q What did you use that maintenance account
11 for?

12 A It fixed the pipe in the yard.

13 Q Did you have to put money in there in that
14 account?

15 A The way that account was -- it came -- so
16 much came out of my mortgage and went into that
17 account.

18 Q And when was the last time you used any
19 money out of that account?

20 A When they did my hot water tank.

21 Q When did they do that?

22 A I don't remember what year they put in a
23 new hot water tank.

24 Q Do you have any records regarding that?

25 A What did that have to do with the damages

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

191

1 we're talking about?

2 MR. VILLANI: Miss Scott, don't ask
3 questions.

4 THE WITNESS: Okay.

5 MR. VILLANI: Just answer. Okay?

6 THE WITNESS: Okay.

7 BY MS. KARABINOS:

8 Q Was that before or after the loss that
9 we're talking about?

10 A Before.

11 Q Do you know who did the repairs?

12 A I don't know the name of the company,
13 right off.

14 Q Was it Hers & His?

15 MR. VILLANI: I'm sorry. I didn't hear
16 that, Karen.

17 BY MS. KARABINOS:

18 Q Was it Hers & His?

19 A No.

20 Q Was it Head's Plumbing?

21 A Who?

22 Q Head, H-E-A-D, apostrophe S.

23 A I don't remember who did it.

24 Q Okay. But you believe it was before the
25 water leaks?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

192

1 A It was before the water leaks.

2 Q All right. Miss Scott, did you understand
3 my questions? And, if not, did you ask me to
4 rephrase them?

5 A You asked me was it before the water leak?

6 Q No. I'm talking just globally. I'm
7 finished with my questions right now. Did you
8 understand my questions that I've asked you today?

9 A Yes, ma'am.

10 Q And did you answer them truthfully?

11 A Yes, ma'am.

12 MS. KARABINOS: Okay. I pass the witness.

13 MR. VILLANI: Okay. Can you put up
14 Exhibit 5, please, Counsel, or Madam Court Reporter.

15 MS. KARABINOS: I'll put it up.

16 MR. VILLANI: I can't see it.

17 MS. KARABINOS: Just give me a minute.

18 MR. VILLANI: Okay. That is Exhibit --
19 that is your Exhibit 5?

20 MS. KARABINOS: That is correct.

21 MR. VILLANI: Could you just make that
22 just a tad larger.

23 Okay.

24 EXAMINATION BY COUNSEL FOR THE PLAINTIFF
25 BY MR. VILLANI:

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

193

1 Q Okay. I just -- Miss Scott?

2 A Yes.

3 Q When you get these notices from Travelers,
4 does it say Travelers with the umbrella on top of
5 each one of them?

6 A Yes.

7 Q Did you ever get one that said Charter Oak
8 Fire Insurance Company on the top of them and not
9 have Travelers on it?

10 A No.

11 Q Okay. When you went down to your agent to
12 purchase insurance, did you purchase insurance
13 through Travelers or The Charter Oak Fire Insurance
14 Company?

15 A Travelers.

16 Q And when you had that class action that
17 you opted out of, were you listed as one of the
18 homeowners who had mold insurance with Travelers?

19 A Correct, I was.

20 Q And the -- it was Travelers, not Charter
21 Oak?

22 A Travelers.

23 Q Okay. And during the litigation for the
24 class action, were you ever -- did you ever receive
25 a notice from Travelers or the attorney for the

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

194

1 class itself that you were disqualified because you
2 were not a homeowner under that policy with
3 Travelers insurance?

4 A No.

5 Q So until -- until counsel said that on the
6 second page of your declaration page there was a
7 notation that it was Travelers -- I mean, Charter
8 Oak Fire Insurance Company, that was the first time
9 you heard about Charter Oak?

10 A Correct.

11 Q Okay. Had anyone told you, hey, don't
12 send a check to Travelers, don't pay Travelers, pay
13 Charter Oak?

14 A No.

15 Q And did you get insurance with the Charter
16 Oak Fire Insurance Company at any time?

17 A No, it was Travelers.

18 Q Okay. And all of the invoices that you
19 received and all the checks that were paid were to
20 Travelers?

21 A Yes, everything was to Travelers.

22 MR. VILLANI: Okay. I just wanted to get
23 that -- thank you, Counsel. I just wanted to get
24 that out of the way.

25 BY MR. VILLANI:

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

195

1 Q Let's go back to some of the questions.
2 It may not have been in this part of the deposition,
3 but parts of the other deposition.

4 When ServPro came out there, was ServPro
5 one of the vendors that was recommended by
6 Travelers?

7 A Yes.

8 Q How did you get to choose ServPro over the
9 other vendors that were recommended?

10 A They gave me a list and I went down the
11 list and I had several before I got to ServPro that
12 denied it. They said it's hard to work with
13 Travelers. They don't want to work with them. They
14 don't want to pay. So that's why I chose them,
15 because they were like, okay, we can work with them.

16 Q Okay. So ServPro said they couldn't --

17 MS. KARABINOS: Hold on. Hold on.

18 I object to the responsiveness of the
19 answer.

20 MR. VILLANI: Well, she's telling you how
21 she chose ServPro over the other vendors.

22 MS. KARABINOS: My objection stands. We
23 don't need to argue about it.

24 MR. VILLANI: Okay.

25 BY MR. VILLANI:

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

196

1 Q And she cut you off. You want to finish
2 your answer? How did you choose ServPro over the
3 other vendors?

4 A Travelers had sent a list that I could
5 work with. And the ones that was on the list before
6 ServPro -- they denied -- they said it was hard to
7 work with Travelers and Travelers doesn't really
8 want to pay anything. So when I got to ServPro,
9 they said, yes, they would work with me. And once
10 they got in and said what was needed, then ServPro
11 denied the claim.

12 Q So part of --

13 A Travelers denied the claim to ServPro.

14 Q Yeah.

15 Part of your allegations against Travelers
16 is they methodically and purposely deny claims so
17 they don't have to pay any money?

18 A Correct.

19 MS. KARABINOS: Objection as to form.

20 BY MR. VILLANI:

21 Q And we -- the notice that you received
22 that counsel had shown you before -- and, I'm sorry,
23 I don't have the exhibit number, but where it was a
24 two-page document that showed the change in coverage
25 and telling you that if coverage -- they would no

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

197

1 longer cover the diminution of value, which means
2 they no longer cover for any loss of value due to
3 any damage to your home. Do you remember that
4 document?

5 A Yes.

6 Q And when you received that document, did
7 Travelers cancel your insurance and write another
8 insurance policy for you?

9 A No. They did a non -- they did a
10 nondenial. They said they would not renew my
11 insurance.

12 Q No, no, no. I'm not -- you're not
13 listening to my question. Listen carefully, please.

14 A Okay.

15 Q When you received that notice, they're
16 saying that they are no longer going to cover
17 diminution of value, which means they will no longer
18 cover the loss in value of your home due to your
19 injury. For example, if you're in a car wreck, and
20 the car is repaired, you still have loss of value
21 because now you have to sell the car and tell
22 somebody it was wrecked. Do you understand loss of
23 value?

24 A Yes.

25 Q So when your house is damaged, you repair

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

198

1 it. You have to disclose that on your disclosure
2 statement and it can lead to a loss in value. Do
3 you understand that?

4 A Yes.

5 Q So when Travelers sent you that letter
6 changing your policy and restricting your benefits
7 in that policy, did they terminate your insurance
8 and rewrite you a new insurance policy?

9 MS. KARABINOS: Object as to form.

10 BY MR. VILLANI:

11 Q Did Travelers -- when they sent that
12 letter, did they terminate your policy and reissue a
13 new policy with the new restrictions in it,
14 Miss Scott?

15 A I don't remember. I don't remember.

16 Q Miss Scott, listen to my question, please.
17 Okay?

18 A Okay.

19 Q When you received that letter, did you
20 receive a new policy?

21 A I'm trying to see if I did. I don't
22 remember if I did or not.

23 Q Well, did you always have the same policy
24 number?

25 A Yes, always had the same policy number.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

199

1 Q So did the policy number change with a new
2 policy?

3 A No.

4 Q So if you did not receive a policy with a
5 new number, did your agent tell you that there's a
6 new policy with your new restrictions in it?

7 MS. KARABINOS: Object as to form.

8 BY MR. VILLANI:

9 Q Did your agent ever tell you that?

10 A No, they didn't tell me it was a new
11 policy.

12 Q Okay. And when -- when the fire
13 department came and cleaned up your mess, how long
14 were they there helping you to clean up the water
15 mess?

16 A They was here about an hour-and-a-half.

17 Q Okay. What were they actually doing? Do
18 you -- first of all, how many were there? How many
19 fire -- firemen were there?

20 A It was three firemen that came.

21 Q Okay. And can you describe what they were
22 doing.

23 A They -- what you call that squeegee thing?

24 Q Okay. Squeegee. Okay.

25 A They squeegeed all the water out. We

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

200

1 mopped up water and they squeegeed the water out
2 pushing it outside. We dried it up with towels. We
3 dried it up with the mop. And then I set fans out
4 to dry up anything that was left that we missed.

5 Q Okay. Where was that water?

6 A The water was in the kitchen and dining
7 room.

8 Q Okay. In kitchen and dining room. How
9 close are those two rooms to doors leading to the
10 outside?

11 A The kitchen -- the kitchen door is right
12 there in the kitchen and then the dining room is
13 close to the front door.

14 Q Okay. So when they were squeegeeing, were
15 they squeegeeing the water towards the exits of the
16 home?

17 A Out of both doors.

18 Q Yeah. Okay.

19 And when they left, did you ask them --
20 did y'all get up all the water?

21 A They said they got up all the water
22 that -- that we could see we got it all up.

23 Q Okay. What type of flooring do you have
24 in the kitchen and in the dining room?

25 A It's -- what's that -- fresh wood. It's

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

201

1 not really wood-wood, whatever kind of wood that is.
2 And linoleum. It was carpet then.

3 Q Where's the linoleum?

4 A It was --

5 Q In the kitchen?

6 THE COURT REPORTER: Okay. You need to
7 repeat that. Both of you were talking at the same
8 time.

9 BY MR. VILLANI:

10 Q Miss Scott, can you look at the camera,
11 because all I'm seeing is your ear.

12 A Yeah, I'm trying to hear.

13 Q I'm sorry.

14 Tell me what kind of flooring is in the
15 kitchen.

16 A The kitchen has the linoleum and the floor
17 in the dining room had carpet at the time.

18 Q It was carpet?

19 A Yeah, it was carpet.

20 Q Okay. And did anyone vacuum up with the
21 water from the carpet?

22 A I vacuumed up as much as I could. I
23 didn't know it was more down there.

24 Q Okay. When they cleaned the water from
25 the carpet, how did they clean the water from the

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

202

1 carpet?

2 A Well, I took towels and --

3 Q How -- how did -- how did the firemen
4 clean the water from the carpet?

5 A They had a -- I don't know what you call
6 it. A Shop-Vac thing.

7 Q A what?

8 A A Shop-Vac where they soak the water up.

9 Q A Shop-Vac? One of those big Shop-Vacs
10 that sops up water?

11 A Yes.

12 Q Did you notice that the water tank on the
13 Shop-Vac got full at all?

14 A It did.

15 Q How many times would you say it got full?

16 A About two.

17 Q About two times. Okay.

18 And where did they dump that water?

19 A Outside.

20 Q Okay. And how many Shop-Vacs did they
21 have?

22 A They had one.

23 Q Okay. And were they doing anything else
24 with the carpet to sop up the water?

25 A I took some towels and blankets and stuff

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

203

1 and put down on the floor and we blotted it up like
2 that.

3 Q Okay. And did the towel and blankets get
4 soaked with water?

5 A They got soaked.

6 Q Okay.

7 A And we wrung them out and put them back
8 down and soaked up some more water.

9 Q And when you squeegeed them -- squeezed
10 them out, did you go outside, or did you do it in
11 the bathtub? How did you get the water out of those
12 towels?

13 A Out the back door.

14 Q Okay.

15 A Outside on the porch, off the back door.

16 Q How many times did you do that process?

17 A I did it about five or six.

18 Q Five or six times.

19 Were the firemen doing the same thing?

20 A They was squeegeeing it with the squeegee
21 things. They were squeegeeing the water out.

22 Q And they were using the Shop -- they
23 weren't -- were you using the Shop-Vac or were they
24 using the Shop-Vac?

25 A I was using a Shop-Vac.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

204

1 Q Okay. And how big was the tank in the
2 Shop-Vac? Was it like a kitchen -- a kitchen, you
3 know, a little basket that you have for your kitchen
4 disposable stuff -- little garbage can in the
5 kitchen, or was it bigger than that, or smaller than
6 that?

7 A It was bigger than that.

8 Q Okay. If you could, will you guesstimate
9 it was ten gallon? Five gallons? 15 gallons?

10 MS. KARABINOS: Form.

11 BY MR. VILLANI:

12 Q Have -- have you ever seen one of those
13 orange Home Depot five-gallon tubs?

14 A It was a little bigger than that. It was
15 a little bigger than that.

16 Q It was bigger than that? Okay.

17 Would you guesstimate 10, 15, 20 gallons?

18 A 15 to 20.

19 Q Okay. And they emptied that two times?

20 A Right.

21 Q And did you know, when they were finally
22 finished, was there anything more in that that was
23 left in the -- in other words, after they emptied it
24 twice, did they stop you -- did you stop using the
25 Shop-Vac or did you continue using it?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

205

1 A When they left, I continued to use it,
2 because I couldn't even go to work that morning,
3 getting all the water up.

4 Q Okay. How long did you use the Shop-Vac?

5 A After they left, I was still doing it
6 maybe about two hours.

7 Q Okay. And were you emptying it at all?

8 A I didn't hear it.

9 Q Did you empty the Shop-Vac container at
10 all?

11 A I emptied about four times getting it out
12 of the carpet.

13 Q Okay. So when they were there, they
14 emptied it twice. They put all these towels down
15 and, you say, four or five times. And then you
16 emptied that 15-, 20-gallon container of water about
17 four or five times; is that correct?

18 A Correct.

19 Q Okay. And when you felt the carpet after
20 you used the fans and everything, did the carpet
21 feel dry?

22 A It was a little damp. That's why I set
23 fans out to blow it.

24 Q And how long did you keep the fans going?

25 A They stayed on all day.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

206

1 Q Okay. And do you recall --

2 A They stayed all day and overnight.

3 Q Okay. Do you recall what the temperature
4 was outside that day? Was it very cold or was it
5 warm? I know it was September/October.

6 A It was warm.

7 Q Warm?

8 A Uh-huh.

9 Q And when you stopped using the fans, how
10 did the carpet feel?

11 A It felt dry.

12 Q Okay. So as far as you were concerned,
13 you got rid of all the water?

14 A As far as I know, I did.

15 Q Okay. So you're not a -- an expert on
16 water damage and -- did you realize that the water
17 could have gone down into the subflooring where the
18 carpet was sitting on?

19 A No, sir, I did not.

20 Q And did you realize that the carpet could
21 have -- water travels up and down or all over the
22 place. It could have gone between the floorboards,
23 it could have gone up the walls, or anywhere else in
24 your house. Are you aware of that?

25 A No.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

207

1 Q Okay. And that's why you hired experts to
2 come in and check your house; is that correct?

3 A Correct.

4 Q And did anyone from Travelers say to you,
5 the water that was -- caused the mold had to be from
6 years ago and the water --

7 MS. KARABINOS: Objection as to form.

8 MR. VILLANI: I'm sorry?

9 MS. KARABINOS: I'm sorry. I thought you
10 were finished.

11 MR. VILLANI: No.

12 BY MR. VILLANI:

13 Q And the water that was in -- that caused
14 the mold happened years ago and it -- it was not the
15 water damage that happened recently. Did anyone
16 ever tell you that from Travelers?

17 MS. KARABINOS: Object --

18 A No --

19 MS. KARABINOS: -- as to form.

20 A -- they did not.

21 MR. VILLANI: You just spoke over her
22 answer.

23 BY MR. VILLANI:

24 Q Can you repeat your answer, Miss Scott.

25 A No, they did not.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

208

1 Q Okay. And so let me get -- let me see if
2 I have the exact timeline. Okay. On -- you have
3 testified that sometime during the day on September
4 the 29th you went to the bathroom and you heard
5 water running?

6 A That's correct.

7 Q Okay. Now, I don't mean to be indelicate,
8 but I need to ask this question. Do you go to the
9 bathroom every day? Once a month? How often do you
10 go to the bathroom?

11 A About 10 or 20 times a day.

12 Q Okay.

13 A I have one kidney; so I have to go a lot.

14 Q So any of those times before -- the day
15 before or that day -- did you hear any water
16 running?

17 A No.

18 Q Okay. So that very first time that you
19 heard water running was the time that you were going
20 to the bathroom at that very moment?

21 A That's correct.

22 Q Okay. And the water hadn't been running
23 two or three days or even a couple of hours, because
24 you didn't hear?

25 A No, I didn't hear it; so I didn't know

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

209

1 until I sat down on the toilet that -- that's when I
2 heard it.

3 Q Okay. And when the plumbers came in, did
4 you explain to them how you heard the water running?

5 A I did.

6 Q And when the plumber came in, why didn't
7 they address that water? Why did they go to the tub
8 first?

9 MS. KARABINOS: Objection as to form.

10 BY MR. VILLANI:

11 Q Do you know why? Did they tell you why
12 they repaired the line by the tub rather than the
13 line behind the bowl?

14 A The one behind the tub is the one he saw
15 when he looked up under the house, but he didn't see
16 any leak over by the toilet.

17 MR. VILLANI: Okay. And -- somebody's
18 buzzing.

19 Karen, it might be you again.

20 No.

21 MR. VILLANI: Maybe it's me.

22 (Off-the-record discussion.)

23 BY MR. VILLANI:

24 Q I'll ask you the question and then I'll
25 turn my microphone off so you can answer,

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

210

1 Miss Scott, is that okay?

2 A Okay.

3 Q All right. So on the 29th you first
4 noticed the water leak and you called your
5 maintenance company; is that correct?

6 A Correct.

7 Q And when you called them it was the
8 weekend; is that correct?

9 A Correct.

10 Q And they told you that they couldn't come
11 over until Monday, which was the 1st -- October the
12 1st; is that correct?

13 A Yes, that's correct.

14 Q And then when they came over October 1st,
15 they repaired the leak only behind the tub; is that
16 correct?

17 A Correct.

18 Q And did you call anybody -- did you still
19 hear the water running after they left?

20 A I did.

21 MS. KARABINOS: Hold on.

22 Miss Scott, if you would wait maybe half a
23 second before you respond so I can get my objections
24 in. So we won't be talking over each other. Is
25 that okay?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

211

1 THE WITNESS: Okay.

2 MS. KARABINOS: All right. Objection as
3 to form.

4 BY MR. VILLANI:

5 Q Miss Scott, when the plumber left, did you
6 still hear the water -- when the plumber left on
7 October the 1st, did you still hear the water in the
8 bathroom leaking?

9 MS. KARABINOS: Object --

10 A Yes.

11 MS. KARABINOS: -- as to form.

12 A Yes.

13 MR. VILLANI: Counsel, tell me what's
14 wrong with the form so I can correct it.

15 MS. KARABINOS: She did not say that she
16 still heard the water leaking throughout her
17 testimony.

18 MR. VILLANI: Okay. I'll change words.
19 Well taken.

20 BY MR. VILLANI:

21 Q Miss Scott?

22 A Yes.

23 Q When the plumber left on October 1st --

24 A Excuse me.

25 Q -- did you still hear the water running in

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

212

1 the bathroom?

2 A Yes.

3 Q And when you still heard it running in the
4 bathroom, what did you do?

5 A I called HomeServe back and told them that
6 I still heard water leaking in the bathroom.

7 Q Okay. What was the next person that came
8 to the house to investigate the water running -- the
9 noise of water running that you heard?

10 A They sent someone out from HomeServe on
11 Wednesday, which was -- the 3rd is when they came
12 back and they said it was mold under the house and
13 they would not go under the house until it was
14 fixed.

15 And I asked them, well, who does that?

16 They said, well, you need to call your
17 insurance company.

18 And that's when I called the insurance
19 company.

20 Q I'm sorry. That's my phone.

21 And when -- do you remember the exact date
22 that you called your insurance company, Travelers?

23 A I called Travelers on the 3rd of October.

24 MS. KARABINOS: Hey, Ralph, we lost you
25 again.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

213

1 MR. VILLANI: Sorry. I froze up, guys.

2 BY MR. VILLANI:

3 Q When?

4 A On October 3rd after the plumber left.

5 Q Okay. Let me -- let me try to calculate
6 the number of days. So September the 29th,
7 September the 30th, October 1st, October 2nd,
8 October 3rd. Okay. So within the span of four or
9 five days, you contacted your insurance company
10 almost immediately?

11 A When I first heard it, I did. Immediately
12 when I heard it.

13 Q The reason why you're making two claims is
14 because there was two incidents. One in the
15 bathtub, one in the toilet bowl; is that correct? I
16 mean, not the toilet, the wall near the toilet.

17 MS. KARABINOS: Objection as to form.

18 BY MR. VILLANI:

19 Q In your complaint you said there were two
20 claims?

21 A Yes.

22 Q So there were two water incidents. Those
23 are the two claims you're talking about?

24 A Yes.

25 MS. KARABINOS: Objection as to form.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

214

1 BY MR. VILLANI:

2 Q All right. Now, when you hired
3 Mr. Fredrics, did Mr. Fredrics in his contract give
4 you a cap on his charges that he's going to give
5 you? Did he tell you, hey, look, I'm going to
6 charge you X number of dollars an hour, but when it
7 gets to this point, I'm not going to charge you any
8 more? Do you recall that?

9 MS. KARABINOS: Objection as to form.

10 A Yes.

11 BY MR. VILLANI:

12 Q Do you recall that, Miss Scott?

13 A Yes.

14 Q Do you know how much that cap was?

15 A Yes.

16 Q How much was that?

17 A 15,000.

18 Q Okay. As far as you're concerned, as of
19 this day, you owe Mr. Fredrics \$15,000 for his work;
20 is that correct?

21 A Correct.

22 Q Okay. And right now, do you -- do you
23 smell mold or must in your house?

24 A Sometimes I do, but we have a lot of those
25 air fresheners to hide the scent.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

215

1 Q I'm sorry. I didn't hear that.

2 A Sometimes I do, but we have a lot of air
3 fresheners in the house to hide the scent.

4 Q Okay. And when you contacted Travelers,
5 did anyone ever tell you that -- I know you
6 mentioned somebody and I can't remember his name.
7 Ben or somebody said your policy does not cover
8 mold. Do you have any idea what he meant by that?

9 MS. KARABINOS: Objection as to form.

10 MR. VILLANI: Tell me what's wrong with
11 the form, Counsel.

12 MS. KARABINOS: You said somebody named
13 Ben. Who said it?

14 BY MR. VILLANI:

15 Q All right. Who told you that your house
16 was not covered -- mold?

17 A At Travelers. That was --

18 Q Barber?

19 A Jeff Teitelbaum.

20 Q And what about Mr. Barber?

21 A What's his name? Justin Barber also.

22 Q Okay. Did Justin Barber tell you that
23 your house -- your policy does not cover mold?

24 A Yes, that's what he was saying.

25 Q Okay. And is that part -- was that

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

216

1 part -- was that part of -- was that part of the
2 class action suit that Travelers would write
3 policies for mold and then never cover the mold?

4 MS. KARABINOS: Objection as to form.

5 MR. VILLANI: What's wrong with the form?

6 MS. KARABINOS: You're assuming that she
7 knows.

8 MR. VILLANI: Well, I'm asking her.

9 BY MR. VILLANI:

10 Q Do you know that the class action lawsuit
11 was because Travelers gave you a premium policy for
12 mold but never covered the mold when you made a --

13 MS. KARABINOS: Objection as to form.

14 BY MR. VILLANI:

15 Q Did you know that Miss Scott?

16 A The class action lawsuit said it was
17 because of the rot.

18 Q Mold and rot?

19 A Uh-huh.

20 Q And you purchased from Travelers that
21 extended coverage for mold and rot; is that correct?

22 A Correct.

23 Q Have they ever honored that part of the
24 policy in either one of your claims?

25 A No.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

217

1 Q And is that what you're asking them to do
2 to be fair and honest and pay what they owe you?

3 A Excuse me? I'm sorry. I didn't
4 understand your question.

5 Q Is that what you're asking them, to be
6 fair and honest and to pay you what they owe you?

7 A Yes.

8 Q And you're not asking for anything else
9 that you don't deserve?

10 A No.

11 Q And you'd like them to pay you for all of
12 your damages?

13 A Yes.

14 MS. KARABINOS: Objection. Leading.

15 BY MR. VILLANI:

16 Q And you'd like them to pay for the repair
17 and replacement of anything that's been damaged,
18 like the walls and the cabinets and floors?

19 MS. KARABINOS: Same objection.

20 A Yes.

21 BY MR. VILLANI:

22 Q And you want to mitigate all the mold in
23 the house?

24 MS. KARABINOS: Same objection.

25 BY MR. VILLANI:

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

218

1 Q In your complaint?

2 A Yes.

3 Q And you would like them to pay for your
4 attorney's fees in your complaint? You asked for
5 that?

6 MS. KARABINOS: Same objection.

7 A Yes.

8 BY MR. VILLANI:

9 Q And you would like them to pay all of your
10 costs for litigation; is that also correct?

11 A Yes.

12 MS. KARABINOS: Same objection.

13 BY MR. VILLANI:

14 Q And you asked -- you're asking in your
15 prayers for relief, whatever jury determines -- a
16 fair and impartial jury determines that you deserve;
17 is that correct?

18 A Yes.

19 Q And you're not asking for a lottery or
20 anything else that you don't deserve?

21 A No.

22 Q And how long have you been living in this
23 house, Miss Scott?

24 A 33 -- I think it's 33 or 34 years. It was
25 built in '88.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

219

1 Q Okay. Was that by Jimmy Carter and the
2 Habitat for Humanity?

3 A It was.

4 Q And did you participate in the
5 construction of the house?

6 A I did.

7 Q And did you -- did you have the pleasure
8 of ever meeting Jimmy Carter out there?

9 A I did.

10 Q He's a wonderful guy. I was his delegate
11 up in New Jersey when he ran for president. So him
12 and his son Jack are really, really -- especially
13 his wife, beautiful people. I'm sorry to --

14 But so you actually laid hands on and
15 helped build your own home?

16 A I did.

17 Q And that -- did that make you proud? Hey,
18 look, I helped build this house.

19 A Yes, it did.

20 Q Did you ever hide from Travelers insurance
21 that this was a home built by Habitat for Humanity?

22 A No.

23 Q Okay. And would you think that Travelers,
24 being a big insurance company, would know what homes
25 Habitat for Humanity -- how they were built?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

220

1 A Yes.

2 MS. KARABINOS: Objection as to form.

3 BY MR. VILLANI:

4 Q And they -- they insured you for that
5 house without a problem?

6 A Correct.

7 Q And when they insured you, did they tell
8 you to replace all the blue pipes?

9 A No.

10 Q Did they ever tell you to replace all the
11 blue pipes?

12 A No.

13 Q And so they kept insuring you, knowing
14 that you had the pipes that have a tendency to
15 burst?

16 MS. KARABINOS: Objection as to form.

17 A Correct.

18 BY MR. VILLANI:

19 Q Did they ever put in your policy a
20 disclaimer, say, hey, look, if your pipes burst,
21 we're not paying for it?

22 A No.

23 Q Okay. And then when you found out the
24 reason why your pipes were bursting, what did you
25 do?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

221

1 A When I found the reason, one, we needed a
2 pressure valve, which Habitat didn't put in; I had
3 that put in. And when the pipes would burst, I
4 would just call the warranty people and they would
5 come out and fix them.

6 Q Okay. And so as soon as you were told
7 about -- I don't want to misquote you, but as soon
8 as you were told that, hey, you need a pressure
9 regulator for your pipes so they don't burst
10 anymore, did you immediately get a pressure
11 regulator put into the house -- in the house?

12 A I did.

13 Q And how much did that cost you?

14 A \$350.

15 Q And you're not asking Travelers to pay
16 that, are you?

17 A No, I'm not.

18 Q That's your expense?

19 A Yes.

20 Q And how have the pipes been acting now
21 since you replaced that pressure valve?

22 A I haven't had any to bust.

23 Q Do you think the experts that Travelers
24 sent out there should have known that?

25 A Yes.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

222

1 Q Did they ever tell you to replace your
2 pressure valve?

3 A No.

4 Q So they kept letting your pipes burst and
5 then denying coverage?

6 MS. KARABINOS: Objection as to form.

7 BY MR. VILLANI:

8 Q They kept denying -- they denied coverage
9 over \$5,000, didn't they?

10 MS. KARABINOS: Objection as to form.

11 A Yes.

12 BY MR. VILLANI:

13 Q Did they deny you -- did they -- let's
14 strike that.

15 They paid your claim and they sent you a
16 check for a little over \$5,000; is that correct?

17 A Correct.

18 Q Did they pay anything else?

19 A No.

20 Q And they denied you coverage over that
21 \$5,000; is that correct?

22 A Correct.

23 Q And your engineering expert came out and
24 did a report; is that correct?

25 A Yes.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

223

1 Q And your expert, Mr. Fredrics, did an
2 estimate; is that correct?

3 A Yes.

4 Q And both of your experts disagreed with
5 Travelers; is that correct?

6 A Yes.

7 Q And Travelers still did not change their
8 mind even after getting the two expert reports; is
9 that correct?

10 A Yes.

11 Q And that's --

12 A Yes.

13 Q -- when you filed suit?

14 A Yes.

15 Q And did you purchase insurance so that you
16 would have to go through all this trouble?

17 A No.

18 Q Why did you purchase insurance --
19 homeowner's insurance?

20 A I purchased homeowner's insurance so if
21 something happened I would be covered.

22 Q Okay. Okay. Did you expect Travelers to
23 cover you for these two incidents?

24 A I expected them to.

25 Q And do you know why Travelers is saying

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

224

1 that -- that the long-term leaks of water for weeks,
2 for months, for years caused your damage? Do you
3 know why they're saying that?

4 A No, I don't.

5 Q Could it be that they just don't want to
6 pay claims?

7 MS. KARABINOS: Objection as to form.

8 A It could be.

9 BY MR. VILLANI:

10 Q And part of that class action was -- was
11 the fact that, hey, we don't want to pay claims. So
12 they settled with that class action for hundreds of
13 millions of dollars, didn't they?

14 MS. KARABINOS: Objection as to form.

15 A Correct.

16 BY MR. VILLANI:

17 Q And you opted out of that so that you
18 could bring an independent lawsuit; is that correct?

19 A Yes.

20 Q And you could have received \$2500 if you
21 stayed in that class action; is that correct?

22 MS. KARABINOS: Objection as to form.

23 A Correct.

24 BY MR. VILLANI:

25 Q But your damages were much greater than

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

225

1 \$2500; is that correct?

2 A Correct.

3 Q And did Mr. Fredrics call you every day
4 and tell you the progress of his appraisal and his
5 work for you that was going on?

6 A Not every day, but he called pretty often.

7 Q Okay. And is there anything that
8 Mr. Fredrics did for you that you -- looking back at
9 it, you didn't want them to do?

10 A No, he did not.

11 Q And whether or not he mentioned to you
12 that he filed a complaint with the insurance, would
13 that cause you any kind of trouble or concern?

14 A No.

15 Q And, in fact, would that be something you
16 would expect him to do to report Travelers to the
17 Insurance Commissioner?

18 A Yes.

19 Q And Mr. Hawkins? He didn't sit there and
20 go over all of his findings with you, did he, when
21 he was there?

22 A No, he didn't.

23 Q Did anybody from Travelers do that?

24 A No, they didn't.

25 Q And did anybody from Travelers give you a

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

226

1 reasonable reason why they were denying your claim?

2 MS. KARABINOS: Objection as to form.

3 BY MR. VILLANI:

4 Q Did they ever give you a reasonable -- in
5 your opinion, a reasonable reason for denying your
6 claim?

7 MS. KARABINOS: Same objection.

8 A No.

9 BY MR. VILLANI:

10 Q And I think -- I think that's about --
11 hang on just -- there was something I wanted to ask
12 you. Please hold on a second.

13 I didn't understand the -- can you explain
14 to me why you only took copious notes when you spoke
15 to the insurance company and their agents and their
16 employees and not with Mr. Hawkins or Mr. Fredrics?
17 What was the difference?

18 A The difference reason I took notes with
19 the insurance company was because I knew I would
20 probably talk to more than one person; so to know
21 who I spoke to that's why I took notes of what was
22 said.

23 And to talk to Bruce, it was going to be a
24 one-on-one thing; so I wouldn't have to keep up with
25 who I talked to the last time of what they said when

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

227

1 I know I could talk to him and we would get an
2 understanding of what was going on.

3 Q Would part of that reason also be the
4 positions that you had with the insurance company as
5 an adversary and the position with Mr. Fredrics and
6 Mr. Hawkins as somebody who's your advocate trying
7 to help you?

8 MS. KARABINOS: Objection to form.

9 A Yes.

10 BY MR. VILLANI:

11 Q You wanted to make sure that you had exact
12 notes for people who are trying to deny your
13 legitimate claim?

14 A Correct.

15 Q As you sit here today, do you feel that
16 your claim -- the two claims due to burst water
17 pipes that you filed with Travelers are legitimate?

18 A I do.

19 MS. KARABINOS: Objection as to form.

20 BY MR. VILLANI:

21 Q And do you feel that Travelers has paid
22 you enough money to repair the damages for those two
23 incidents?

24 A No.

25 MR. VILLANI: I have nothing to say --

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

228

1 nothing else. I'm sorry. Thank you.

2 MS. KARABINOS: I've got some follow-up
3 questions.

4 FURTHER EXAMINATION BY COUNSEL FOR THE DEFENDANT
5 BY MS. KARABINOS:

6 Q Miss Scott, at the time your house was
7 built, were you aware of what type of pipes you had
8 in the home?

9 A No.

10 Q And I believe you testified two weeks ago
11 that the first time that you were aware that there
12 was polybutylene pipes in your home was when Head's
13 Plumbing Sales & Service came out on September 6th,
14 2018. Do you recall that?

15 A Excuse me? Say that again. I can't hear
16 good.

17 Q I'm going to slow down too.

18 I believe you testified earlier, a couple
19 of weeks ago, that the first time that you were
20 aware that you had polybutylene pipes was when
21 Head's Plumbing Service came out to your home in
22 response to a call on September the 6th, 2018, and
23 you took a look at that invoice last time; is that
24 correct?

25 A I don't recall what I said back then.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

229

1 Q Okay. Well, let's -- let me ask you
2 again. Let's look at this. I'm going to show you
3 what we've marked as Exhibit Number 13. It is Page
4 3 of 6. And you'll see that this is a Head's
5 Plumbing Sales & Service invoice dated September
6 6th, 2018. And it says: Service line to base is --
7 I think it's 3/4-inch gray poly. We recommend
8 replacement.

9 A That pipe was outside in the yard.

10 Q Okay. When was the first time that you
11 became aware that you had polybutylene pipe?

12 MR. VILLANI: I'm going to object to the
13 form. You're not going to ask her if she even knows
14 what polybutylene pipes are?

15 MS. KARABINOS: We talked about that last
16 time at her deposition two weeks ago.

17 BY MS. KARABINOS:

18 Q Are you aware of what polybutylene pipe is
19 or what the word means?

20 A No.

21 Q Do you know if you were ever -- so if you
22 didn't know that you had polybutylene pipe, did
23 you -- do you know if Travelers ever knew that you
24 had polybutylene pipes?

25 A I don't know what kind of pipes were under

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

230

1 the house.

2 Q Okay. So do you know if Travelers knew
3 what type of pipes you had underneath your house?

4 MR. VILLANI: I would object to my client
5 being asked to speculate what Travelers knew, but
6 she can answer that question.

7 BY MS. KARABINOS:

8 Q Do you know?

9 A No, I don't.

10 Q Did you ever discuss a type of pipes you
11 had with anyone at Travelers or Charter Oak?

12 A No, I didn't.

13 Q Did you ever discuss the type of pipes you
14 had with your insurance agency?

15 A No, I didn't.

16 Q Okay. Let's look at Page -- Exhibit
17 Number 1, Page 3 -- 397. This is the dec page for
18 the policy from which you have filed this suit. We
19 looked at this at your last deposition; correct?

20 MR. VILLANI: Can you repeat what that
21 exhibit is again. You broke up, Counsel.

22 MS. KARABINOS: Exhibit 1, Page 397.

23 MR. VILLANI: 39?

24 MS. KARABINOS: 7.

25 MR. VILLANI: 397. Thank you.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

231

1 MS. KARABINOS: The page numbers are right
2 here at the top.

3 MR. VILLANI: That says 417.

4 MS. KARABINOS: It says 397 of 437.

5 MR. VILLANI: I can't see that blue.

6 THE WITNESS: I can't see it either.

7 BY MS. KARABINOS:

8 Q So on the following page it says: Your
9 insurer, The Charter Oak Fire Insurance Company.

10 Doesn't it?

11 A That's what that says.

12 Q This is the only policy that you ever
13 received; right?

14 A That's the only policy I have, yes.

15 Q Okay. And if you'll look at Exhibit
16 Number 2, which we've looked at before, which is the
17 letter from Jeff Teitelbaum. You see at the last --
18 the signature there -- the signature line? It's
19 dated October the 12th, 2018. And just above the
20 Travelers umbrella, it says: The Charter Oak Fire
21 Insurance Company.

22 Doesn't it?

23 A It does.

24 Q And then you look on Exhibit Number 5,
25 which is the notification that the check is on the

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

232

1 way. It also identifies the company name: The
2 Charter Oak Fire Insurance Company.

3 Doesn't it?

4 A It also has Travelers at the top.

5 Q It does, but the company name is The
6 Charter Oak Fire Insurance Company, doesn't it?

7 That's what it says?

8 A But I always thought it was Travelers.

9 Q But that's not what the documents are only
10 saying Travelers with an umbrella. It says The
11 Charter Oak Fire Insurance Company, which is on
12 Exhibit 6, which is another letter to you dated
13 November the 9th, 2018; correct?

14 A Correct.

15 Q And then on Exhibit 7, which is another
16 letter dated December 13th, 2018, it has the name
17 Charter Oak Fire Insurance Company; correct?

18 A It does.

19 Q Now, when you had the water leak in which
20 the firemen came, back in 2016, did you ever hire
21 anybody to do any testing to see if any moisture
22 remained following that loss?

23 A No.

24 Q And you didn't report that loss to
25 Travelers, did you?

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

233

1 A No, I didn't know I was supposed to.

2 Q Whether you were supposed to or not,
3 Travelers had no knowledge of that loss; right?

4 A No, I didn't.

5 Q Okay. You didn't report it.

6 Now, sitting here today, you've not made
7 any other repairs to the damage, except for putting
8 in that piece of plywood around your toilet that you
9 and your boyfriend did; is that correct?

10 A That's it.

11 Q You haven't had anybody come out and test
12 for mold, have you?

13 A No.

14 Q Okay. Are you aware that Travelers had an
15 engineer come out; correct?

16 A They had an engineer come out, yes.

17 Q Okay. And are you aware that that
18 engineer does not agree with Mr. Fredrics or
19 Mr. Hawkins?

20 A No, I was not aware.

21 Q You're not aware of that?

22 A No.

23 Q So Mr. Fredrics didn't tell you that the
24 Travelers engineer did not agree with them?

25 A No.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

234

1 MS. KARABINOS: Okay. I believe that's
2 all the questions I have at this time.

3 MR. VILLANI: I have one last question.

4 FURTHER EXAMINATION BY COUNSEL FOR THE PLAINTIFF
5 BY MR. VILLANI:

6 Q Miss Scott, as we sit here today, do you
7 have any idea who Charter Oak Fire Insurance Company
8 is?

9 A No, I do not.

10 Q And I said one question -- I meant -- look
11 at that name, Charter Oak Fire Insurance Company.
12 What do you think that is for?

13 A Fire.

14 MS. KARABINOS: Objection.

15 BY MR. VILLANI:

16 Q Fire insurance. Okay.

17 So you think that might be in case your
18 house burned down?

19 A Correct.

20 Q Did your house burn down?

21 A No.

22 Q So this is for water damage, just the
23 opposite of fire?

24 A Correct.

25 Q So did you pay any attention to The

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

235

1 Charter Oak Fire Insurance Company?

2 A No. I thought it was Travelers.

3 MR. VILLANI: Okay. Nothing further,
4 Counsel. Thank you.

5 MS. KARABINOS: All right. One of the
6 things that we didn't -- I don't think we talked
7 about was whether or not she reserved signature.

8 MR. VILLANI: I'm sorry. You're breaking
9 up real bad.

10 MS. KARABINOS: Does she reserve
11 signature?

12 MR. VILLANI: Yes, please do.

13 And if the court reporter would give me
14 electronic copy.

15 Have we done the electronic copy for the
16 other two parts of her examination? Okay. I'm
17 going to need electric -- Counsel, would you agree
18 that once the electronic copy on this deposition is
19 done that she'll have 30 days from the day she
20 receives this transcript to sign all three.

21 MS. KARABINOS: I was just going to put
22 the two portions together as one, if that's okay
23 with you.

24 MR. VILLANI: Yeah. We'll take all three
25 portions together as one. Very good.

**Janice Scott - July 28, 2021
Part 1 (7-28-21) Part 2 (8-10-21)**

236

1 MS. KARABINOS: There's only two portions.

2 MR. VILLANI: I'm sorry.

3 MS. KARABINOS: There's only two portions,
4 not three.

5 MR. VILLANI: Well, there was the first
6 one, the second one, and the third one. However
7 there many are. Okay.

8 My wife is calling me. There's a problem
9 in the kitchen. The electricity went out. Are we
10 done?

11 MS. KARABINOS: We are.

12 (Deposition concluded 12:54 p.m.)

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Part 1 (7-28-21) Part 2 (8-10-21)

237

1

ERRATA SHEET

2

I, JANICE SCOTT, the witness herein, do hereby certify that I have read the transcript of my deposition testimony dated July 28, 2021, and August 10, 2021, and the same is true and correct to the best of my knowledge with the exception of the following changes noted below, if any:

8

- 1) There are no changes noted.
 2) The following changes are noted:

9

Pursuant to Rule 30(7) (e) of the Federal Rules of Civil Procedure and/or the Official Code of Georgia Annotated 9-11-30 (e), both of which read in part: Any changes in form or substance which you desire to make shall be entered upon the deposition with a statement of the reasons given for making them. Accordingly, to assist you in effecting corrections, please use the form below:

14

Page No. _____ Line No. _____

15

Change to: _____

16

Reason for Change: _____

17

Page No. _____ Line No. _____

19

Change to: _____

20

Reason for Change: _____

21

Page No. _____ Line No. _____

23

Change to: _____

24

Reason for Change: _____

25

Part 1 (7-28-21) Part 2 (8-10-21)

238

1 Deposition of JANICE SCOTT

2

3 Page No. _____ Line No. _____

4 Change to: _____

5 Reason for Change: _____

6

7 Page No. _____ Line No. _____

8 Change to: _____

9 Reason for Change: _____

10

11 Page No. _____ Line No. _____

12 Change to: _____

13 Reason for Change: _____

14

15 Page No. _____ Line No. _____

16 Change to: _____

17 Reason for Change: _____

18

19 _____
20 JANICE SCOTT

21 Sworn to and subscribed before me,
this the _____ day of _____, 20____.

22

23 _____
Notary Public
My commission expires:

Part 1 (7-28-21) Part 2 (8-10-21)

239

1 D I S C L O S U R E
23 I, Michelle Lowe, (WSG Reporting, LLC) do
4 hereby disclose pursuant to Article 10.B of the
Rules and Regulations of the Board of Court
Reporting of the Judicial Council of Georgia, that I
5 was contacted by the party taking the deposition to
provide court reporting services for this
6 deposition, and there is no contract that is
prohibited by O.C.G.A. 15-14-37(a) and (b) or
7 Article 7(c) of the Rules and Regulations of the
Board for the taking of this deposition.
89 There is no contract to provide reporting
services between WSG Reporting, LLC or any person
10 with whom I have a principal and agency relationship
nor any attorney at law in this action, party to
11 this action, or party having a financial interest in
this action.
1213 Any and all financial arrangements beyond my
usual and customary rates have been disclosed and
14 offered to all parties.
15
16
17
18
19
2021 *Michelle Lowe*
22

23 Michelle Lowe, CCR-2748
July 28, 2021, and August 10, 2021
24
25

Part 1 (7-28-21) Part 2 (8-10-21)

240

1 C E R T I F I C A T E

2 G E O R G I A:

3 GWINNETT COUNTY

4

5

I hereby certify that the total transcript,
6 pages 1 through 236, represent a true, complete, and
7 correct transcript of the proceedings taken down by
me in the case aforesaid (and exhibits admitted, if
applicable); that the foregoing transcript is a true
8 and correct record of the evidence given to the best
of my ability.

9

10 The above certification is expressly withdrawn
upon the disassembly or photocopying of the
11 foregoing transcript, unless said disassembly or
photocopying is done under the auspices of myself,
12 and the signature and original seal is attached
thereto.

13

14 I further certify that I am not a relative or
employee or attorney of any party, nor am I
15 financially interested in the outcome of the
actions.

16

17 This the 17th day of August 2021.

18

19

20 *Michelle Lowe*

21

22

Michelle Lowe, CCR-2748

23

24

25

\$	above (1) 231:19 Absolutely (1) 120:18 accident (7) 18:10;20:24;21:10; 74:24;75:1,1;146:13 accidents (2) 75:14;146:7 According (2) 44:10;114:3 account (8) 46:19;90:14;190:5, 10,14,15,17,19 accurately (2) 8:20;119:2 act (2) 100:20;105:1 acting (1) 221:20 action (15) 164:20;167:1; 179:1,5,7,10,12; 193:16,24;216:2,10, 16;224:10,12,21 actual (2) 55:2,12 actually (11) 21:9;29:18;69:25; 112:19;123:8;143:13; 153:4;183:6;189:5; 199:17;219:14 add (1) 186:13 additional (1) 98:14 address (8) 12:5;14:5;38:19; 39:23;47:17,19; 144:9;209:7 addressed (1) 186:17 adjourn (1) 116:11 adjourned (2) 116:20;117:13 Adjustment (1) 104:3 adjustor (17) 104:22;105:2,3,4,6, 7,10,13,25;107:1; 128:1;153:23;154:2, 9,12,15;155:8 adjustors (1) 185:5 Administration (3) 18:15;19:1,16 admit (1) 186:12 adversary (1) 227:5 Advil (1) 115:2	advise (5) 105:9;117:10; 141:13;149:11; 153:19 advised (3) 71:1;148:16;179:11 advocate (1) 227:6 affirmed (1) 5:3 afford (2) 63:7;129:4 afforded (3) 128:24;135:24; 137:6 again (32) 17:17;22:7;24:15; 40:6,13;41:25;54:9; 55:14;57:7;60:20; 71:6;72:7;73:17,18; 85:25;91:13,16; 98:10;99:11;103:19; 115:19;118:12; 120:25;130:6;136:24; 138:19;144:3;209:19; 212:25;228:15;229:2; 230:21 against (9) 7:19;12:11;20:20, 21:21;10:30:25; 128:14;179:1;196:15 agency (2) 171:2;230:14 agent (11) 27:17,25;28:2; 100:21;164:2,3,6,8; 193:11;199:5,9 agents (3) 27:18;185:4;226:15 ages (1) 15:16 ago (17) 12:7,8;36:5,8,14; 102:13;117:14; 118:25;119:8,12; 154:1,6;207:6,14; 228:10,19;229:16 agree (4) 6:9;233:18,24; 235:17 agreeable (1) 116:16 agreed (2) 59:21;135:4 agreement (2) 5:12;153:2 ahead (12) 9:20;19:12;37:17; 47:15;48:14;56:3; 80:25;81:6,7,14; 110:21;149:4 Ain't (1) 50:19	air (3) 183:18;214:25; 215:2 air-conditioning (1) 37:25 Aldy (3) 163:12,19;171:1 A-L-D-Y (1) 163:12 Alex (1) 175:7 allegations (1) 196:15 allow (1) 9:16 allowed (1) 6:23 almost (1) 213:10 alone (1) 158:14 along (4) 91:1;118:7;135:18; 186:21 always (5) 49:8;51:13;198:23, 25;232:8 America (4) 46:17,20;102:19; 103:2 amount (15) 90:5;93:24;94:14; 96:2,14;99:23;136:2, 18;145:1;160:13; 176:6,10,13;177:11; 178:1 Angel (10) 70:1,12;71:1,8; 73:17,18;76:18; 150:7,9,9 Angie's (3) 170:5,13,17 answered (3) 106:18;119:3;169:2 Anthony (1) 180:20 anymore (1) 221:10 Apartments (1) 14:14 apologize (2) 23:21;31:12 apostrophe (1) 191:22 apparently (1) 160:14 APPEARANCE (1) 2:1 appears (1) 34:3 appraisal (15) 100:16;105:3; 152:14;153:20,21,24,	25,25;154:21,22; 155:3,5;156:20,21; 225:4 appraiser (5) 105:5,7;154:13,14, 15 appreciate (4) 120:9,12,14,15 approved (1) 19:17 April (8) 39:17;162:11,22; 163:9;164:18;165:2, 15;167:4 area (6) 124:17;131:15; 132:3,6;140:13,25 areas (3) 67:20;144:24; 164:22 argue (1) 195:23 argument (1) 59:20 Around (9) 12:17;30:16;61:15; 82:18;95:3;108:15; 159:10;165:7;233:8 arrive (1) 11:19 arrived (2) 161:15;174:10 assigned (1) 101:1 assistant (3) 17:3,6;22:17 assisted (1) 130:17 associated (2) 107:24;185:7 assume (2) 101:16;185:6 assuming (1) 216:6 Atlanta (4) 2:18;14:5;83:21; 117:7 attached (12) 33:11;65:8;72:9; 79:22;89:8;120:20; 142:6;161:11;164:17; 174:23;181:7;187:13 attaching (1) 164:15 attend (1) 16:25 attention (5) 33:24;144:10; 164:21;167:1;234:25 Attorney (33) 2:4,14;10:21;11:5; 21:11;33:15;35:3; 42:1;45:20;50:4;
----	--	--	--	--

54:10;55:3;71:15; 73:6;81:7;100:11,14, 19:120:6;121:1; 130:8;142:24;143:18; 156:3,7,11;162:19,21; 177:1;178:12,23; 179:2;193:25 attorney-client (1) 6:2 attorneys (1) 151:22 attorney's (2) 93:5;218:4 audio (2) 17:16;23:20 August (4) 34:10,21;116:13; 117:1 authority (1) 104:17 automobile (1) 146:20 aware (41) 51:3;62:13,14; 160:15;178:17,20,22, 25;179:2;182:13,16, 20,21;184:6,8,14; 185:11,23;187:2,6,22; 188:2,5,7,13,18,20,23, 25;189:2,5;206:24; 228:7,11,20;229:11, 18;233:14,17,20,21 away (1) 133:22	18:11;107:25; 114:24;169:25; 176:16;177:2,9,17; 178:13;235:9 Baker (4) 163:12,19;171:1,4 bank (12) 46:13,14,16,17,20; 90:14;102:14,15,16, 18,19;103:1 Barber (24) 73:21;74:15;76:19; 88:3,20;139:3,4,5,13, 17;141:17;143:23; 144:14;145:21,22,25; 146:1,25;148:6,15; 215:18,20,21,22 barely (1) 166:5 base (1) 229:6 based (3) 7:20;27:15;30:19 basement (1) 87:1 basket (1) 204:3 Bates (2) 34:2;45:18 bathroom (33) 26:7;29:13;61:23; 63:21;65:1,13,18,22; 85:2,3;86:9,10;91:2; 120:4;122:25;125:10; 130:19;133:23; 164:22;165:3,18; 167:17,18,20;168:10; 208:4,9,10,20;211:8; 212:1,4,6 bathtub (13) 26:9;29:14;34:12, 43:7;4:40;24;131:5; 132:13;134:9;165:17; 168:11;203:11; 213:15 beautiful (1) 219:13 became (4) 17:6;32:24;162:20; 229:11 become (1) 188:18 bedroom (2) 65:12,12 begin (3) 175:25;176:1,3 behalf (13) 2:2,12;33:5,6; 92:24;105:1;107:24; 108:4;112:17;175:4; 185:12,24;188:16 behind (56) 26:9;29:13;32:10,	22:34:12,14,17,21; 35:5,8,13;36:16,25; 40:23;62:9;66:5,7,11, 12;67:17,18;122:5,5, 22;123:2,3,19,22; 124:23;125:2,15; 129:12;130:12,18; 131:2,8,19,20;132:6, 16,17,21;133:7,9,15; 134:9;140:12;165:16, 18;166:7;168:7,10, 11;209:13,14;210:15 below (1) 100:23 Ben (6) 84:3;138:14,16; 150:4;215:7,13 B-E-N (2) 138:16,17 benefits (2) 19:16;198:6 beside (1) 125:3 Besides (8) 11:5;12:20;20:19; 61:1;134:11;141:17; 156:2;159:12 best (5) 32:16;76:12; 114:25;152:15,16 bet (1) 86:1 better (11) 50:13;108:22; 116:19;117:20;120:7; 130:7;134:19,20; 136:8,10;157:18 beyond (1) 21:23 Bible (1) 13:4 big (7) 80:13;92:3;138:6; 189:21;202:9;204:1; 219:24 bigger (6) 35:4;204:5,7,14,15, 16 bill (7) 43:14;55:20;121:8; 160:13,15,17;174:7 bit (6) 16:17;35:4;80:2; 83:24;149:2;155:19 blame (1) 186:15 blank (4) 113:22;114:2,10,12 blanked (1) 151:2 blankets (2) 202:25;203:3 behind (56) 26:9;29:13;32:10,	136:6 blotted (1) 203:1 blow (1) 205:23 blue (3) 220:8,11;231:5 born (1) 15:21 both (14) 16:14;37:12,13; 146:22;155:20; 169:25;175:10; 177:15;178:1,4; 185:18;200:17;201:7; 223:4 bottom (2) 34:1;104:5 bowl (2) 209:13;213:15 Box (1) 38:21 boyfriend (4) 91:22;165:10; 171:13;233:9 break (9) 7:22,25;53:22,22; 25:103:10,13;108:22; 167:3 breaking (4) 107:25;108:19; 177:16;235:8 briefly (1) 121:20 bring (1) 224:18 broke (6) 74:13;75:5;81:20; 108:8;169:25;230:21 Bruce (11) 11:9,12;83:6,7; 93:10;101:8;151:12, 17;158:6;187:20; 226:23 Bruce's (1) 158:20 buck (1) 70:23 Buckhead (1) 83:21 build (2) 219:15,18 building (1) 143:25 built (6) 14:9;41:6;218:25; 219:21,25;228:7 burn (1) 234:20 burned (1) 234:18 burst (35) 25:12;26:11;28:13;	29:18,19,21;30:11; 32:9;34:12;35:23; 41:15;44:1,6;45:4; 48:3,4;22;51:10,12; 63:13;66:8;129:12, 12;146:15,16;147:20; 166:7;178:5,7; 220:15,20;221:3,9; 222:4;227:16 bursted (1) 41:5 bursting (3) 147:10;178:6; 220:24 business (1) 159:20 bust (6) 32:11,12;22;34:14; 168:3;221:22 busted (2) 64:24;165:16 buzzing (1) 209:18
				C
				cabinet (20) 123:9;124:7,15,17, 18;131:3,5,6,14,18, 19;132:20,20,22,25; 133:8,8,15,25;134:4 cabinets (8) 123:10,19;124:7, 19;131:13;168:4,6; 217:18 calculate (1) 213:5 calculation (2) 144:1,5 calendar (1) 69:19 call (59) 24:8;32:15,17,24; 44:3;47:24;49:8,12; 51:9,12,16;52:7; 53:14,15;57:14,18; 59:2,6;64:10;69:9; 71:8;73:13,24;74:1,3; 75:14;83:11;88:5; 94:25;95:4;106:8; Bruce's (1) 158:20 buck (1) 70:23 Buckhead (1) 83:21 build (2) 219:15,18 building (1) 142:15;146:5,15; 147:4;148:24;149:16; 150:1,7;152:24,25; 158:3;171:4;199:23; 202:5;210:18;212:16; 221:4;225:3;228:22 called (72) 25:10,13;32:16; 36:15;47:23;48:1,4, 21;51:21,22;52:1; 53:17,20;54:13;

56:10;59:3,5,7,9,17, 24:60:1;61:5;63:16; 66:20;67:1,5;69:3,5, 11;73:14;74:21,22; 75:11;80:22;83:14, 20;92:19;99:1; 100:15;106:13; 111:12,20;113:16; 119:16,18,20;122:10, 13,16;126:5,6;127:2, 4,18,23;129:14; 150:3;175:15;179:24; 180:4,15;181:3,9,13; 210:4,7;212:5,18,22, 23;225:6	13:2;22:6;23:17; 24:23;26:16;28:17, 21;31:10;32:3;33:20; 34:16;35:4,11;38:13, 15;49:10;51:7;53:6, 21;54:18;58:23,24; 59:23;60:20;66:1; 71:5,7;72:22;74:14; 75:4,6;80:2,18;81:23; 94:14;96:12;103:10, 12;108:22;110:10; 114:25;115:16,20; 120:17;121:5;129:21; 134:17;136:7;146:2; 151:3;156:5;157:17, 17;161:25;166:3,5,14, 15,17;169:24;170:3, 10,11;176:18;177:18, 22;184:1;192:13; 195:15;198:2;199:21; 201:10;204:4;207:24; 209:25;210:23; 211:14;226:13;230:6, 20	187:23,24;188:8,21; 189:3,4;234:17	check (31) 46:6,8,10;70:14; 77:6;79:16,16,24;	202:4
calling (4) 95:3,9;146:7;236:8	cash (4) 80:5;81:8;82:2,14	checked (1) 95:2	cleaned (4) 126:20;127:17; 199:13;201:24	
calls (2) 95:10;148:21	cashed (2) 81:3;83:3	checks (1) 194:19	clear (3) 55:8;103:5;175:14	
came (156) 25:13;29:6,10; 32:12,19;34:11,18,23, 25;35:25;36:1,20; 40:19;41:2;44:1,14, 16;45:19;47:4,4,5,16, 19;49:15,21;55:22; 56:4,9,14;57:1,1,5; 60:12,15;61:6;62:8; 63:8,24,25;64:6; 67:12;68:11;70:15, 16;77:3,6;78:2,11; 80:13;81:1,1;82:19; 83:6,25;84:1,2;85:11, 19;87:10,20,23;88:4, 4,16,20,25;89:2,17; 92:5,12;95:2,11,17; 98:22;109:6;111:3,4; 112:16,18;122:12; 125:21;126:10,11; 127:1,10;128:3,20; 129:19;130:2,13,22; 131:1,12;132:7,13; 134:7;135:17;137:21; 138:3,5,19,21;139:7, 8,12;141:11,17; 142:1;143:4,5,7; 144:17,18,21;148:3,4; 153:4,12;157:12; 158:2,8,11,13,14; 160:9,9;163:21; 169:16,20;170:17,22; 172:15,17,21,23,24; 173:24;174:13; 175:20;178:9;183:3, 14;190:15,16;195:4; 199:13,20;209:3,6; 210:14;212:7,11; 222:23;228:13,21; 232:20	C-A-S-S-A-N-D-R-A (1) 10:4	client (11) 6:20;59:10,16; 101:4;120:11;182:12; 184:11;185:7,18; 189:17;230:4		
camera (1) 201:10	Cassandra (1) 10:2	close (4) 63:14;133:4;200:9, 13		
can (84) 6:6;9:8;10:3,11;	C-A-S-S-A-N-D-R-A (1) 10:4	closed (1) 129:16		
	cause (3) 113:9,12;225:13	closer (3) 63:15;83:18;132:25		
	caused (8) 79:2;113:3,5;167:7, 23;207:5,13;224:2	closet (1) 125:24		
	causing (5) 29:12,15;45:4; 55:20;121:8	co-counsel (1) 175:8		
	cave (2) 139:21;147:4	cold (2) 95:10;206:4		
	caved (1) 139:19	college (1) 16:25		
	caving (3) 74:21;75:11;146:5	color (1) 7:2		
	ceiling (1) 27:1	comfortable (1) 8:10		
	cell (1) 39:24	coming (17) 19:21;34:5;47:1; 49:7;50:10;57:22,24; 61:21;78:12;87:13, 22;138:23;139:2,3,6; 158:20,21		
	cents (2) 176:23,24	comment (3) 139:18,23;146:19		
	certain (1) 10:22	Commissioner (3) 187:17;188:15; 225:17		
	certified (2) 6:16;163:12	communication (1) 154:25		
	change (11) 7:4;37:10;41:23; 96:16;103:10;121:4; 168:22;196:24;199:1; 211:18;223:7	communications (1) 171:1		
	changed (1) 143:1	companies (10) 24:9;55:1;83:12,12; 93:4;106:14;137:15, 17;172:25;181:24		
	changing (1) 198:6	company (146) 20:21;21:1,5;24:12; 27:22;30:5;36:15,19; 44:7;49:8,9;51:8,13; 54:5,24;55:4,12,22; 56:19;59:10,22,24; 60:2;61:5;64:10; 66:21;72:12;73:13, 20;75:24;76:4,11,17; 78:3,9;82:3;86:22,22; 87:17;88:17;89:11, 20;92:23;94:9,23;		
	charge (2) 214:6,7			
	charged (1) 160:23			
	charges (1) 214:4			
	Charter (45) 7:16,19;12:11; 20:20;30:25;51:17,			
	carrier (11) 84:7;87:10;90:4; 96:3,15;98:12;99:4; 105:25;106:25; 144:23;145:13			
	clarified (1) 110:15			
	carefully (1) 197:13			
	carlene (4) 180:7,11,12,13			
	carpet (15) 201:2,17,18,19,21, 25;202:1,4,24;205:12, 19,20;206:10,18,20			
	care (6) 21:11;28:18; 129:11;135:14; 164:17;183:23			
	carefully (1) 197:13			
	Carlene (4) 180:7,11,12,13			
	carpet (15) 201:2,17,18,19,21, 25;202:1,4,24;205:12, 19,20;206:10,18,20			
	carrier (11) 84:7;87:10;90:4; 96:3,15;98:12;99:4; 105:25;106:25; 144:23;145:13			
	Carter (2) 219:1,8			
	case (20) 10:15,21;11:6; 20:19;21:16,23;55:2;			
	case (20) 10:15,21;11:6; 20:19;21:16,23;55:2;			
	case (20) 100:2;107:20;117:5; 142:25;175:8;185:13;			
	case (20) 100:2;107:20;117:5; 142:25;175:8;185:13;			
	Chattanooga (1) 40:3			

95:11,13;97:19; 100:14;101:1;105:9, 12,19;111:21;112:4, 16;117:5;118:22; 119:19;120:2;121:21; 126:8;127:2,5,8,8,11, 14,21,24;129:10,16, 24,25;130:24;135:7; 137:13;140:20; 141:11,19;142:15,16, 23;143:2,14,14,15,16; 146:17;147:4;148:22; 149:11,21;150:12,21; 151:14;155:7,12; 161:11,17;164:1,7,20; 172:1,13,16,21;173:2, 4;175:24;176:7,11; 182:1,6,11,13,13,15, 17,19,21;191:12; 193:8,14;194:8,16; 210:5;212:17,19,22; 213:9;219:24;226:15, 19;227:4;231:9,21; 232:1,2,5,6,11,17; 234:7,11;235:1	condition (4) 45:19;86:16,17; 116:14 Conditions (1) 164:21 confidential (1) 6:1 confused (1) 116:1 connected (2) 20:6;124:4 consider (1) 98:15 consistently (1) 87:7 Construction (13) 34:4,5,7,9,18;36:19, 24;50:23;62:8; 130:10;141:2;167:15; 219:5 Consulting (2) 104:4;181:22 contact (12) 26:23;27:6,12;38:7; 82:17;91:20;93:12; 94:4;105:12;106:24; 145:12;150:11 contacted (3) 105:8;213:9;215:4 contacting (1) 83:13 container (2) 205:9,16 contemporaneously (1) 76:3 continue (3) 115:16,25;204:25 continued (1) 205:1 contract (2) 39:13;214:3 Contracting (1) 181:22 contractor's (1) 148:18 conversation (15) 76:3;105:18;112:6, 8,21,25;137:4;140:1; 146:24;147:23;148:5, 20;149:14;151:17; 155:11 conversations (5) 25:23;112:11,15; 148:15;149:20 copies (2) 120:7;156:15 copious (1) 226:14 copy (29) 6:23;24:10;16,18; 39:14;46:6,10;50:1, 13;54:12;55:16; 71:14;72:23;73:3;	80:3;95:21;121:2; 137:25;158:23,25; 160:25;161:2;162:14; 164:15;175:3,5; 235:14,15,18 corrected (1) 55:3 corrections (1) 124:3 correctly (7) 23:10;43:22;94:2; 145:9;152:7;164:25; 165:1 cost (3) 79:5;135:24;221:13 costed (1) 82:7 costs (3) 98:15;178:12; 218:10 COUNSEL (38) 2:1;5:12,22;7:13, 16;23:21;27:11; 28:16;30:13;35:15; 60:21;108:8;111:6; 115:6,18,24;116:10; 121:12;161:23;169:1; 175:7;176:25;181:20; 184:10;185:5;186:11; 192:14,24;194:5,23; 196:22;211:13; 215:11;228:4;230:21; 234:4;235:4,17 county (9) 15:7,9,10,24,25; 16:5,11;21:12,14 couple (10) 36:5,7,14;117:14; 118:25;119:1;120:13; 124:2;208:23;228:18 court (21) 6:12,16;8:14,20; 9:5;10:19;14:13,15; 21:6,8,13;23:22; 60:18;110:2;117:7; 178:17,20;189:25; 192:14;201:6;235:13 cover (23) 52:3;81:5;84:8; 94:17;96:10;97:2,5,6, 7,9,10;138:11;147:9, 18,19;197:1,2,16,18; 215:7,23;216:3; 223:23 coverage (17) 71:1;89:20;90:5; 96:7,22;97:21,23; 128:24;135:24;145:8; 179:9;196:24,25; 216:21;222:5,8,20 coverages (1) 129:3 covered (9)	46:3,4;95:18;97:15, 15:98:14;215:16; 216:12;223:21 covering (2) 137:11;146:18 covers (1) 25:1 COVID (1) 6:24 Craig (6) 76:20,21;77:9; 79:13;89:23;135:3 crawl (1) 56:18 crawlspace (15) 52:16;53:7;56:15; 64:7;87:2;126:16,17; 128:18;164:24; 168:17,20;169:3,7,9, 14 Crosstalk (1) 166:16 crying (1) 115:22 cure (1) 6:3 current (3) 14:20;17:25;28:9 currently (5) 11:16;14:4;24:4; 25:6;113:25 cursor (1) 34:1 cut (4) 86:6;129:18;131:6; 196:1 cutting (1) 58:17	177:2;178:13,13,13; 182:3;183:6;184:16; 190:25;217:12; 224:25;227:22 damp (1) 205:22 date (39) 5:11;12:14,17;25:5; 30:18,24;31:15,21,24, 25;45:14;47:21; 49:15;50:12;55:18; 56:22;70:3;83:24,25; 87:20,25;89:16; 92:10;107:13;108:14; 109:9;110:25;120:2; 124:13;130:1,4; 144:14;162:20,23; 172:22;179:13,17; 180:8;212:21 dated (19) 28:10;72:12;99:13; 130:10;134:22; 135:22;143:19; 145:11;147:24; 157:15,21;161:9; 162:11;163:8;167:3; 229:5;231:19;232:12, 16 dates (3) 30:15;31:6;69:10 daughter (6) 11:20;12:17,21; 13:21;114:5;141:24 daughter's (1) 11:23 David (4) 157:15,16;169:6; 172:10 Dawsonville (1) 2:6 day (27) 45:22;59:12;60:12; 74:8,19;109:7;118:3; 119:17;126:3;134:9; 144:17;153:6,7,9; 159:22;205:25;206:2, 4;208:3,9,11,14,15; 214:19;225:3,6; 235:19 daylight (1) 32:15 days (9) 57:11;64:15;85:6, 10:86:21;208:23; 213:6,9;235:19 de (2) 102:21;103:2 dealing (1) 188:20 debit (2) 46:8,19 dec (2) 54:13;230:17
--	--	---	---	--

December (19)	129:14,19;130:2,13, 17;187:3,7,9;189:1, 20;199:13	disclaimer (1) 220:20	214:6;224:13	202:18
decide (1)	depose (1) 186:24	done (27) 45:24;68:12;73:8; 76:5;80:12;90:10; 93:25;94:14,17,22; 96:10,23;98:25; 99:24;100:17;104:20; 138:12;141:4;152:22; 153:15;167:12,22; 171:9;186:23;235:15, 19:236:10	during (12) 6:3;9:13;10:21; 27:12;76:3;82:20; 112:11;118:13; 146:24;171:21; 193:23;208:3	
decision (1)	deposed (1) 9:2			E
declaration (1)	DEPOSITION (43) 5:1,7,10;6:3,8,14, 25:9;13,21;10:6;11:7, 11,17;29:1;33:10; 65:7;72:8;79:21;89:7; 115:16;116:12,15,20; 117:3,14;118:13,25; 119:7;120:16,19; 142:5;152:24;153:22; 154:6;174:22;181:6; 187:12;195:2,3; 229:16;230:19; 235:18;236:12	discoverable (4) 181:18;184:3,6,12		
defective (5)		discovery (5) 5:8;21:24;27:12; 54:10;186:23		
Defendant (8)		discuss (12) 99:15;129:2; 140:25;145:13; 146:25;154:25;160:5, 6,8;169:12;230:10,13		
Defendants (1)		discussed (3) 11:6,10;110:1		
185:4		discussion (5) 17:23;26:19;99:18; 108:24;209:22		
defenses (1)		discussions (1) 151:6		
181:19		disinterested (1) 100:20		
degree (1)		dismissed (2) 178:17,20		
17:19		disposable (1) 204:4		
dehumidifiers (9)		dispute (1) 142:24		
81:2;82:20;84:22, 23;85:6;140:16,21; 141:14;183:15		disqualified (1) 194:1		
Dehydration (1)		District (2) 117:6,7		
118:6		D-I-U-L-I-O (1) 180:21		
DeKalb (2)		Division (1) 117:8		
15:10,25		Divorce (3) 15:1,5,9		
delegate (1)		doctor (5) 117:22,24;118:1,4, 5		
219:10		document (20) 26:17;33:9;41:23; 54:11;57:24;89:5;		
Delmar (16)		104:11,15;130:7; 136:6;151:22;156:9; 177:5;181:9,11,14,17; 196:24;197:4,6		
34:4,5,7,9,18,23,25; 36:1,19,24;40:19; 50:22;62:8;130:10; 141:1,11		documentation (1) 42:1		
demand (2)		documents (22) 10:6,8,9,11,14,22, 23;11:2,2;33:15;51:2;		
94:1,8		54:9;62:19;100:3; 107:3,9;120:17;		
demanded (1)		130:8;156:1,7,12; 232:9		
163:17		duly (1) 5:3		
denial (7)		dump (1)		
70:24;71:13;77:10, 11;97:21;148:6; 162:15				
denied (18)				
74:19;75:10;77:1; 81:16;82:5;96:9;97:1; 129:1,8;134:24; 138:10;146:4;195:12; 196:6,11,13;222:8,20				
deny (3)				
196:16;222:13; 227:12				
denying (7)				
82:3;96:7;147:6; 222:5,8;226:1,5				
department (14)				
32:12,18;71:20;				

e-mailed (2)	219:12	executed (1)	extensive (2)	7:18;10:19;12:10; 20:20,21;21:6,10,13, 15:22;11:30:24; 175:3,4,7,10;187:3,6, 18,21,22;188:3,6,13, 19:189:5;223:13; 225:12;227:17; 230:18
e-mails (1)	46:22	Exhibit (85)	F	
186:17		33:10,14,22;36:23; 41:22;43:9;50:9;54:9; 62:15,18;65:4,7;72:7, 8:79;19,21;80:1;89:6, 7:90:3;93:19;99:11;		
Emergency (10)	93:22,23;94:1,8; 95:19;96:22;98:13; 99:3;106:1;107:1; 110:24;136:21;137:1, 13,24;148:18,19; 152:5,6;173:8;223:2	100:10;103:19; 108:18;110:24; 120:19,23;121:13,16, 19:130:6,10;134:17; 135:20;136:17; 140:10;142:3,5;		
employed (3)	19:23;92:22;103:1	151:21,25;155:17,18; 156:19;157:14; 160:13;161:21,23; 162:3,4,7,9;163:6,15; 166:25;171:3,7; 173:20;174:20,22; 177:25;181:5,6; 185:10;187:12,15;		
employees (3)	88:17;185:5;226:16	189:8,11,15,16,18,23, 24;192:14,18,19; 196:23;229:3;230:16, 21,22;231:15,24; 232:12,15		
employer (2)	106:10;148:23	existed (1)		
18:18;21:2		165:15		
employment (1)	estimator's (1)	exists (1)		
22:13	84:3	168:16		
emptied (5)	even (14)	exits (1)		
204:19,23;205:11, 14,16	25:20;82:8;92:2; 94:17;95:6;113:23; 114:4,14;126:3; 143:7;205:2;208:23; 223:8;229:13	200:15		
empty (1)		expect (3)		
205:9		11:19;223:22; 225:16		
emptying (1)		expected (1)		
205:7		223:24		
end (6)		expense (1)		
14:25;39:21; 106:12;107:20;108:1; 186:23		221:18		
ended (1)		expenses (1)		
118:2		107:23		
engage (1)		expert (13)		
140:1		167:15;169:5,6; 177:2;178:12;185:12;		
engineer (16)		186:18,19;187:25; 206:15;222:23;223:1, 8		
88:11;89:1;138:20, 22:158:3,3,4,21; 161:11,18;172:12,20; 233:15,16,18,24		experts (9)		
engineering (2)		185:10,11,16,18,19, 23:207:1;221:23;		
169:6;222:23		223:4		
enlarge (3)		explain (6)		
33:8,9;157:17		48:13;74:24; 139:24;142:18;209:4; 226:13		
enough (18)		explained (2)		
8:10;84:8,10;93:25; 94:18,22;95:13;96:3, 9:97:2,5,10,16;98:15; 99:25;115:18;152:21; 227:22		70:13;76:24		
enter (1)		explaining (1)		
5:13		6:6		
entered (2)		extended (1)		
83:24;153:2		216:21		
equipment (3)		filed (29)		
85:7;86:15,20				
ER (1)				
118:2				
Eric (9)				
77:2,17;78:3,9; 87:21,23;88:19; 89:16;112:21				
errata (1)				
6:25				
errors (1)				
7:1				
especially (1)				
e-mailed (2)	219:12	executed (1)	extensive (2)	7:18;10:19;12:10; 20:20,21;21:6,10,13, 15:22;11:30:24; 175:3,4,7,10;187:3,6, 18,21,22;188:3,6,13, 19:189:5;223:13; 225:12;227:17; 230:18
e-mails (1)	46:22	Exhibit (85)	F	
186:17	93:22,23;94:1,8; 95:19;96:22;98:13; 99:3;106:1;107:1; 110:24;136:21;137:1, 13,24;148:18,19; 152:5,6;173:8;223:2	33:10,14,22;36:23; 41:22;43:9;50:9;54:9; 62:15,18;65:4,7;72:7, 8:79;19,21;80:1;89:6, 7:90:3;93:19;99:11;		
Emergency (10)	19:23;92:22;103:1	100:10;103:19; 108:18;110:24; 120:19,23;121:13,16, 19:130:6,10;134:17; 135:20;136:17; 140:10;142:3,5;		
employed (3)	88:17;185:5;226:16	151:21,25;155:17,18; 156:19;157:14; 160:13;161:21,23; 162:3,4,7,9;163:6,15; 166:25;171:3,7; 173:20;174:20,22; 177:25;181:5,6; 185:10;187:12,15;		
employer (2)	106:10;148:23	189:8,11,15,16,18,23, 24;192:14,18,19; 196:23;229:3;230:16, 21,22;231:15,24; 232:12,15		
18:18;21:2		existed (1)		
employment (1)		165:15		
22:13		exists (1)		
emptied (5)		168:16		
204:19,23;205:11, 14,16		expect (3)		
empty (1)		11:19;223:22; 225:16		
205:9		expected (1)		
emptying (1)		223:24		
205:7		expense (1)		
end (6)		221:18		
14:25;39:21; 106:12;107:20;108:1; 186:23		expenses (1)		
ended (1)		107:23		
118:2		expert (13)		
engage (1)		167:15;169:5,6; 177:2;178:12;185:12;		
140:1		186:18,19;187:25; 206:15;222:23;223:1, 8		
engineer (16)		experts (9)		
88:11;89:1;138:20, 22:158:3,3,4,21; 161:11,18;172:12,20; 233:15,16,18,24		185:10,11,16,18,19, 23:207:1;221:23;		
engineering (2)		223:4		
169:6;222:23		explain (6)		
enlarge (3)		48:13;74:24; 139:24;142:18;209:4; 226:13		
33:8,9;157:17		explained (2)		
enough (18)		70:13;76:24		
8:10;84:8,10;93:25; 94:18,22;95:13;96:3, 9:97:2,5,10,16;98:15; 99:25;115:18;152:21; 227:22		explaining (1)		
enter (1)		6:6		
5:13		extended (1)		
entered (2)		216:21		
83:24;153:2		filed (29)		
equipment (3)				
85:7;86:15,20				
ER (1)				
118:2				
Eric (9)				
77:2,17;78:3,9; 87:21,23;88:19; 89:16;112:21				
errata (1)				
6:25				
errors (1)				
7:1				
especially (1)				

149:9;151:24;153:7; 157:6,11;163:19; 171:23;179:11;194:8; 199:18;208:18;209:8; 210:3;213:11;228:11, 19;229:10;236:5	163:14;231:8;232:22 follows (1) 5:5 follow-up (1) 228:2 foot (1) 18:7 Foote (2) 12:5;14:5 Forcon (2) 89:2;172:14 forgive (2) 5:18,19 forgot (1) 15:18 form (42) 5:16,24,25;6:10; 22:23;25:17,21; 30:14;31:23;51:19; 59:14;77:18;180:5; 196:19;198:9;199:7; 204:10;207:7,19; 209:9;211:3,11,14; 213:17,25;214:9; 215:9,11;216:4,5,13; 220:2,16;222:6,10; 224:7,14,22;226:2; 227:8,19;229:13	186:9;187:20;214:3, 3,19;223:1;225:3,8; 226:16;227:5;233:18, 23 Fredrics's (2) 93:6;100:14 freezer (16) 35:5,7,8,13;62:9; 123:7,11,13,14,17,18; 124:5,11,20,21; 125:11 fresh (1) 200:25 fresheners (2) 214:25;215:3 Friday (4) 85:12;113:23; 114:16;150:6 fridge (2) 34:17,22 friend (2) 91:3,6 front (15) 10:13;26:12;62:22; 67:20;84:18;95:6; 101:21,24;102:8; 107:6;121:16;174:18; 187:16;189:9;200:13	Generally (1) 10:14 Georgia (11) 2:8,18;14:6;16:15; 17:5;20:5;117:7; 181:21;187:7,18; 188:15 gets (1) 214:7 given (8) 50:3;93:24;95:12; 96:3,15;98:22;99:23; 155:25 glad (3) 8:9;9:16;72:19 globally (1) 192:6 God (2) 15:18;176:16 goes (1) 169:16 good (5) 118:10;157:17; 159:22;228:16; 235:25 Gotcha (1) 13:5 graduate (1) 16:19 grandchild (1) 141:24 grandchildren (2) 13:8,18 gray (1) 229:7 Great (6) 7:11;8:13;9:12,19; 117:21;119:5 greater (1) 224:25 green (2) 7:4,4 Grunfeld (1) 180:22 G-R-U-N-F-E-L-D (1) 180:23 guess (5) 6:23;41:6;53:24; 157:20;162:22 guesstimate (2) 204:8,17 guy (12) 47:5;56:25;57:1; 59:12;64:6;78:3; 127:10;139:7,10,12, 13:219:10 guys (1) 213:1 guy's (1) 49:23	Habitat (8) 23:9,11;164:13; 190:5;219:2,21,25; 221:2 Hait (4) 175:7,11;183:3,10 H-A-I-T (1) 175:7 half (1) 210:22 hall (2) 65:12;85:1 hallway (2) 85:1;86:10 hand (1) 128:14 hands (3) 128:15;187:24; 219:14 handwriting (2) 101:3,4 handwritten (1) 163:7 hang (2) 79:18;226:11 happen (2) 8:5;92:7 happened (34) 32:13;34:17;35:22; 48:4;51:15;53:19; 62:16;68:19,21;69:1; 79:14,15;92:9; 106:22;110:12; 113:21;114:5,7,14,20, 21;118:21,24;121:10; 127:7;129:13;130:4; 138:2,4;139:16; 166:1;207:14,15; 223:21 happening (1) 166:14 hard (4) 9:1;137:7;195:12; 196:6 Hawkins (31) 157:15,16;158:4, 10,13,20;159:1,12,15; 160:14,22;161:9,14; 169:2,5,6,9,12,15; 172:10,10;173:17; 185:17;186:2,3,7,13; 225:19;226:16;227:6; 233:19 head (3) 8:17;103:6;191:22 H-E-A-D (1) 191:22 headache (4) 114:24;115:2; 117:15;118:7 Head's (9) 42:2,14;50:7,16; 62:20;191:20;228:12,
floor (9) 65:10;67:16;91:3, 25;92:8;164:22; 165:3;201:16;203:1	floorboards (1) 206:22	four (7) 12:7,8;27:23; 205:11,15,17;213:8	G	
fixes (1) 51:8	Frederick (1) 16:22	Gainesville (1) 2:8	G-R-U-N-F-E-L-D (1) 180:23	
fixing (5) 44:5;74:20,20; 75:10;146:4	Fredrics (80) 11:9,14;83:6;93:9, 10,13,16,21;94:5; 99:2,8,13,19;102:3; 104:7;105:20;107:8, 12;108:6,11;109:6,17, 20;110:25;111:23,24; 112:3,8;113:3,15; 149:2,6,12;150:15; 151:6;152:1,25; 153:4,11;155:7,12,20; 156:2,13;157:3; 158:17;159:23; 160:15;161:5,9,10,14, 18;162:11,16,25; 163:5,8;172:8;173:7, 13,25;174:1;181:21, 23;182:8;185:17,25;	gallon (1) 204:9 gallons (3) 204:9,9,17 garbage (1) 204:4 gave (17) 27:11;39:24;50:4; 73:6;75:17;84:12; 94:15;96:21;104:16; 137:15,19,20;152:19, 21;171:9;195:10; 216:11 gears (1) 93:3 General (1) 181:21	guess (5) 6:23;41:6;53:24; 157:20;162:22 guesstimate (2) 204:8,17 guy (12) 47:5;56:25;57:1; 59:12;64:6;78:3; 127:10;139:7,10,12, 13:219:10 guys (1) 213:1 guy's (1) 49:23	
flow (1) 5:20	folks (3) 132:5;141:1;171:23		H	
foggy (1) 115:17	follow (1) 159:10			
folks (3) 132:5;141:1;171:23	following (5) 119:24;161:6;			

21:229:4	221:8;224:11	146:6;147:1;156:23; 157:4,11;158:5,22; 164:17,24;165:14; 167:5,8,16;168:16; 171:20;173:2;179:8; 182:2;183:23;184:16, 24;197:3,18;200:16; 204:13;219:15,21; 228:8,12,21	53:12,13;57:6;60:6; 62:23;63:9,14;74:19, 21:75:1,10,10,11,19; 78:17;80:12;81:2; 85:16;86:18;87:14; 95:12;125:7;128:20; 129:20;130:23; 132:10;138:5;139:19; 144:21;146:5;147:3; 152:13;153:4,5,15,18; 155:5;158:8;159:3, 10:163:18;197:25; 206:24;207:2;209:15; 212:8,12,13;214:23; 215:3,15,23;217:23; 218:23;219:5,18; 220:5;221:11,11; 228:6;230:1,3; 234:18,20	213:14,22;223:23; 227:23
hear (45)	hide (3)	H-O-M-E (1)	income (2)	
7:7;9:14;17:12; 27:5;38:16;48:24; 52:21;53:3,9;58:16, 20;69:4;75:5;109:3; 128:5,7;131:24; 132:9;149:5,25; 150:2;162:2,3; 163:23;166:3,5,15; 172:19;177:18,19,22, 23;190:8;191:15; 201:12;205:8;208:15, 24,25;210:19;211:6,7, 25;215:1;228:15	214:25;215:3; 219:20	39:18	19:20,21	
heard (39)	highlight (8)	homeowner (4)	incorrect (4)	
38:16;48:17,20; 49:5,6;56:5;57:13,23; 62:11;63:18;64:3; 67:9;98:11;119:13; 122:18,21,22;125:14; 126:2,21;131:23; 132:1,4,11;150:5; 170:8;175:16;178:8; 194:9;208:4,19; 209:2,4;211:16; 212:3,6,9;213:11,12	16:18,19,21;43:14, 14:45;5,55;20;121:8	167:15;168:1,14; 194:2	119:8;154:3,4,8	
hearing (7)	hire (2)	homeowners (4)	indelicate (1)	
6:5;57:15;61:9; 64:21;115:8;131:22; 150:4	149:8;232:20	93:22;143:11; 152:5;193:18	208:7	
hearsay (1)	hired (16)	homeowner's (4)	independent (3)	
47:13	6:17;105:25;149:1, 12;182:1,10,12,14,15, 18,22;185:16,18,24; 207:1;214:2	140:4;146:14; 223:19,20	77:15,19;224:18	
heater (7)	hisself (1)	homes (1)	independently (1)	
42:5,9,11,15,19; 43:6;50:8	172:24	219:24	71:10	
heating (2)	hit (1)	home's (1)	indicated (3)	
43:3,4	21:3	145:3	7:15;59:15;152:4	
held (1)	Hite (5)	HomeServe (61)	indicates (1)	
154:6	76:20;77:9;79:13; 89:24;135:3	24:20,21,25;25:4, 10:26;21,24;27:7,14, 15,18,19;28:3,11,18; 32:15,24;33:4;34:8, 15,17,25;36:2,9,10, 12,13,14;37:11,17,19; 38:24;39:2,5,7,10,12, 18:46;3:47;24,25; 48:1;49:18;55:23; 56:10;57:14;59:3; 63:17,25;119:18,20; 122:17;125:16;127:7, 9,18;129:15;131:1; 175:15;212:5,10	145:4	
help (21)	hole (1)	honest (3)	indicating (1)	
32:18;95:3;97:4; 99:7;100:16;111:13; 113:17;129:14;130:2; 147:5;152:12,13,17, 19,20;153:13,15,16, 17,19;227:7	131:6	157:9;217:2,6	59:16	
helped (5)	holidays (1)	honored (1)	individual (4)	
32:12,19;129:19; 219:15,18	83:18	216:23	30:5;44:12;57:7; 173:2	
helpful (1)	home (95)	hope (2)	individuals (4)	
125:8	11:16;17:3;19:21; 23:11;24:8,10,13,19; 25:3,6,10,14;26:14; 30:2,7;31:22;32:6; 38:20;40:19,20; 43:17;44:9;45:15; 47:2;51:3;52:14,18; 56:16;61:7;62:12;	106:15;116:19	28:11;172:25; 181:17;184:5	
helping (2)	65:11,11;66:18; 67:13;77:14;80:23;	Hospital (1)	infection (1)	
111:13;199:14	83:5;85:7;86:23; 87:18;88:16;89:25;	20:7	118:6	
helps (1)	92:13;18,22;93:5; 96:10;98:19;108:7, 12;109:21;121:20;	host (1)	information (20)	
125:6	123:17;126:23;	118:8	6:1;9;17;26:24; 27:7,12,15,19;28:7; 38:7;44:17,19;91:20; 99:14;119:9;181:18; 183:11;184:3,6,12; 186:21	
Here's (3)	130:24;138:3;139:17; 141:12,16;143:5,23;	hot (4)	Initial (2)	
72:7,21;130:9	144:25;145:2,5,15;	42:11;125:25; 190:20,23	181:10,13	
herself (1)		hour (1)	initially (1)	
88:1		214:6	118:24	
hey (8)		hour-and-a-half (1)	injury (2)	
8:8;194:11;212:24; 214:5;219:17;220:20;		199:16	18:11;197:19	
		205:6;208:23	inside (1)	
		house (81)	64:24	
		14:9;32:7;34:6,10; 41:6;42:3;43:11,15;	inspect (12)	
		44:17,22,23,24;45:2;	78:2,12;87:11,18; 89:24;93:7;158:2,8, 21:171:19;173:3; 183:7	
		7:50:20,25;51:12;	inspected (5)	
			111:1,3;144:12; 156:23;157:11	
			inspecting (1)	
			161:12	
			inspection (11)	
			68:23;77:4;78:19, 23:113:19;128:4; 132:16;133:14; 159:20;160:23;183:9	
			install (2)	
			43:18;45:9	
			installed (1)	
			45:21	
			instead (1)	
			6:4	
			Institute (1)	

17:6	8:4;93:17;95:7,9,9	60:17;128:2	17:192:12,15,17,20; 195:17,22;196:19; 198:9;199:7;204:10; 207:7,9,17,19;209:9; 210:21;211:2,9,11,15; 212:24;213:17,25; 214:9;215:9,12; 216:4,6,13;217:14,19, 24;218:6,12;220:2, 16;222:6,10;224:7,14, 22;226:2,7;227:8,19; 228:2,5;229:15,17; 230:7,22,24;231:1,4, 7;234:1,14;235:5,10, 21;236:1,3,11	13:18;160:20; 184:15;233:3
instruct (1)	interrupt (2)	Jerry (1)	known (3)	ladies (1)
31:8	80:18;184:10	44:13	51:9;104:4;221:24	102:7
instructions (1)	interrupted (1)	Jersey (1)	knows (2)	lady (1)
9:22	177:7	219:11	216:7;229:13	102:14
insurance (194)	into (15)	Jewish (1)	laid (2)	65:13;219:14
21:4,5;10:25; 52:6;53:16,17,18; 54:24;55:4;59:6,7,9, 24;60:1;61:5;64:10; 66:20;68:22;71:19, 20,21;72:12;73:13, 20;74:19;75:10,15, 23;76:4,10,17;81:5; 82:3;84:7;87:10,17; 88:17,18;89:11,19; 90:4;92:23,24;93:23, 25;94:9,11,23;95:13, 20,22;96:3,7,15;97:1, 19;98:7,12;99:4,23; 100:21;101:1;105:8, 12,19,24;106:24; 111:21;112:4,16; 113:17;117:5;118:22; 127:2,5,11,14,21,23; 129:24;140:4,4,6; 142:15,16,19,19,22, 23;143:2,5,10,11,14; 144:23;145:13;146:4, 8,14;147:4,9,19; 148:22;149:11,20; 150:12,20;151:14; 152:6,19;153:14; 155:7,11;157:22; 161:11,17;163:20,21, 21;164:1,2,3,6,8,12, 13,20;170:20;171:2; 172:1,13,21;173:4; 175:24;176:7,11; 179:8;182:13,15,17, 18,21;185:3;187:4,7, 9,16;188:14,21;189:1, 3,4,20;193:8,12,12, 13,18;194:3,8,15,16; 197:7,8,11;198:7,8; 212:17,18,22;213:9; 219:20,24;223:15,18, 19,20;225:12,17; 226:15,19;227:4; 230:14;231:9,21; 232:2,6,11,17;234:7, 11,16;235:1	Johnson (5)	laptop (2)	26:25;27:2	
insured (3)	invoice (12)	12:22,23,24;13:7,9	KAREN (11)	large (1)
187:19;220:4,7	34:3;35:2;36:22,24; 42:13;43:13;45:17; 50:13;55:15;84:18; 228:23;229:5	jot (1)	2:13;5:23;8:8; 28:21;32:1;116:10; 166:6;185:14;189:11; 191:16;209:19	37:16
insurer (2)	invoices (3)	Judge (1)	larger (3)	35:11;103:23; 192:22
54:23;231:9	120:7;121:1;194:18	117:6	last (37)	8:6;11:13;12:6; 15:17,19;17:11; 21:20;25:9,11;29:6; 47:4;64:14;77:2;94:7; 120:13;121:20;128:2; 134:21;135:3,21; 137:22;143:12;
insuring (1)	involvement (2)	June (3)		
220:13	155:12;161:6	161:9,19;187:19	keep (12)	8:6;11:13;12:6; 15:17,19;17:11; 21:20;25:9,11;29:6; 47:4;64:14;77:2;94:7; 120:13;121:20;128:2; 134:21;135:3,21; 137:22;143:12;
intended (1)	issue (4)	jury (2)		
166:8	41:4;67:6;118:20; 167:16	218:15,16	keeping (1)	137:22;143:12;
interest (2)	issued (1)	Justin (11)	171:21	
177:4;178:14	136:1	73:21;74:15;76:19; 88:3,4,20;139:4,5; 145:21;215:21,22	KENNETH (1)	
Internet (5)	issues (1)		kept (6)	
	185:13		48:16;69:19;151:5; 220:13;222:4,8	
			kidney (1)	229:15;230:19; 231:17;234:3
			late (1)	
			208:13	113:24
			kids (1)	
			7:6	lately (1)
			kind (12)	11:10
			9:1,6;61:15;65:10; 70:19;81:25;115:18; 136:1;201:1,14; 225:13;229:25	later (4)
				58:25;135:16; 148:3;153:6
			kitchen (33)	Lauderdale (1)
			26:6;29:13;61:23; 65:1,13;84:25; 122:24;123:23;	38:21
			124:25;125:1,10,12; 130:20;133:15,24; 134:12;165:18;168:5, 6;200:6,8,11,11,12, 24;201:5,15,16;204:2, 2,3,5;236:9	Law (3)
			knew (7)	2:4,5,14
			29:3;150:18;176:5; 226:19;229:23;230:2, 5	lawsuit (18)
				7:17,19,20;12:10; 20:21;21:10,13,14; 30:19,25;31:25; 33:16;175:3;179:1, 10;216:10,16;224:18
			knock (1)	
			27:24	
			knowing (2)	
			75:18;220:13	
			knowledge (4)	

leading (2) 200:9;217:14	71:13;72:11;73:3; 77:10,11;89:10,12,21;	14:12,17;15:23; 16:5,11	12:14;13:15;30:18; 34:16;40:18;51:17;	many (14) 25:19;41:13;66:8; 13:85;6:88:16;
leak (44) 13:23;29:12;31:15, 22:32:1,5,8;34:21; 35:5,8,13;36:25; 40:20,22,23;43:5; 45:15;56:4,13;62:9, 10:65:25;79:7;120:3; 121:21;125:22; 130:12,16;131:2,2,4, 17,21;133:19;134:10; 140:11;165:23; 184:15,23;192:5; 209:16;210:4,15; 232:19	90:2;97:19;104:2; 129:1;134:22;135:2, 21;142:10;143:19,22; 144:1,4,6,9;145:11; 147:24;148:3,4; 154:21;162:15,25; 163:12,16;164:18,18; 165:2,6;171:2,4,7,10; 179:23;198:5,12,19; 231:17;232:12,16	lived (5) 12:4;14:8,13;23:2; 87:7	69:13;92:19;94:19; 98:4,8;109:18;111:9, 11;127:3;175:23;	109:20;157:3;199:18; 18:202:15,20;203:16; 236:7
leaked (2) 52:18;145:6	letting (1) 222:4	living (4) 12:21;14:5;65:12; 218:22	176:8;12;177:11; 191:8;197:2,18,20,22; 198:2;232:22,24;	March (3) 28:10;50:25;151:23
leaking (26) 13:25;36:16;48:9, 11:49:4;50:25;53:10; 55:19;58:10,12; 63:12;64:8;66:10; 121:8;122:19,20; 132:11,12;133:21; 145:4;164:22;167:4; 174:5;211:8,16;212:6	liable (2) 55:5;59:22	LLP (1) 2:15	233:3	Marina (1) 179:8
leaks (14) 13:18;46:24;62:12; 66:22,24;67:14; 147:1,2;160:3,7; 171:12;191:25;192:1; 224:1	Life (2) 18:21;19:4	located (3) 20:4;84:24;145:3	112:1;114:13; 151:1;165:25;212:24	Marino (1) 150:9
leaky (1) 26:4	light (4) 7:2,4;32:25;42:18	location (1) 102:20	lot (17) 9:2;73:7;74:24; 75:2,14;103:5;	marked (13) 33:10;65:7;72:8;
leaned (1) 48:17	likely (2) 181:17;184:3	log (1) 144:17	115:23;117:20; 120:17;125:6;134:20;	79:21;89:7;120:19, 23:142:5;174:22;
leaning (1) 48:16	limited (7) 100:11,14,15,15,18; 156:6,10	long (23) 6:4,5;12:4;14:8,17; 18:3;19:15;20:11;	140:5;146:7;180:16; 208:13;214:24;215:2	181:5,6;187:12;229:3
least (1) 55:10	line (29) 7:1;24;21,22,25; 37:20;51:1,1,10;	22:15;36:6;37:6; 64:14;68:3,8,10;79:7;	lottery (1) 218:19	Marmur (1) 2:23
leaves (1) 68:25	55:19,20;56:13; 57:12;62:20,25;63:1, 2,4;64:2,23;91:1;	102:13,13;162:24; 199:13;205:4,24;	Lowe (1) 6:16	marriage (1) 14:25
led (2) 122:23;150:4	100:11,14,15,15,18; 156:6,10	218:22	L-R-E-G-A (1) 77:3	married (3) 14:21,23;15:18
left (23) 18:7;56:5;67:20; 73:23,23;85:14,19; 86:20;126:3;128:23, 25;150:6;186:13; 200:4,19;204:23; 205:1,5;210:19; 211:5,6,23;213:4	long (29) 27:17,25;197:1,2, 16,17	longer (6) 27:17,25;197:1,2, 16,17	M	Mary (1) 82:23
legal (1) 59:20	37:20;51:1,1,10;	long-term (5) 18:16,17,20; 144:25;224:1	matter (1) 65:12	master (1)
legitimate (2) 227:13,17	55:19,20;56:13; 57:12;62:20,25;63:1, 2,4;64:2,23;91:1;	22:23;33:13;43:9;	9:2;47:17,19;	matter (4)
Leon (2) 102:21;103:2	120:3;121:7,8;123:5; 124:4;209:12,13;	60:10;61:7;65:11,14; 69:11;83:5;87:4;	162:19	14:2;21;33:19;
less (1) 41:19	229:6;231:18	95:20;100:6;115:22; 163:6;168:20;177:25;	matters (1) 100:22	50:3;63:7;68:15,17;
letter (50) 28:8,19;69:3;70:24;	lines (2) 25:1;39:8	187:15;201:10;214:5; 219:18;220:20;	May (6) 6:11;11:20;46:18; 108:3;181:18;195:2	75:21;92:14;95:5;
	linoleum (5) 86:6,9;201:2,3,16	228:23;229:2;230:16;	maybe (15) 8:4,9;14;32:15;	101:15;103:3;107:7, 25;108:19;112:9;
	list (15) 29:3;80:11,19;	231:15,24;234:10	117:18;136:5;149:5;	36:5;53:10;68:4;
	137:15,19,20;170:5, 13,13,17;171:21;	looked (23) 37:3;50:6,10;70:16;	157:8,23;160:24;	98:13;109:22;130:5;
	195:10,11;196:4,5	86:6;95:17;107:4;	162:13;172:22;	136:7;153:9;170:11;
	listed (3) 181:21;185:4;	121:20;134:16,21;	173:23;174:17;184:7;	205:6;209:21;210:22
	193:17	135:21;136:16;	189:10;192:9,11	mean (19)
	listen (3) 126:24;197:13;	139:18;144:6;151:23,	6:15;29:17;42:17;	6:15;29:17;42:17;
	198:16	24:155:18;156:3,11;	46:10;68:20;71:19;	46:10;68:20;71:19;
	listening (1) 197:13	159:2;209:15;230:19;	87:12;92:3;104:13;	87:12;92:3;104:13;
	lists (1) 184:1	231:16	131:5;154:10;176:1,	131:5;154:10;176:1,
	litigation (2) 193:23;218:10	looking (26) 27:1,8;28:6;34:3,	3;178:3;187:10;	3;178:3;187:10;
	little (18) 7:21;16:17;28:19;	20:35:2;36:23;41:22,	189:14;194:7;208:7;	189:14;194:7;208:7;
	35:4,11;80:2;83:24;	24:44:23;54:12;	213:16	213:16
	92:1;103:22;122:1;	62:18;71:11;75:20;	means (5) 6:22,25;197:1,17;	6:22,25;197:1,17;
	149:2;155:19;204:3, 4,14,15;205:22;	76:14;95:8;99:7,11;	229:19	229:19
	222:16	100:9;103:20;108:17;	meant (4) 7:3;135:16;215:8;	229:19
	live (5)	137:9;143:9;156:17;	234:10	7:3;135:16;215:8;
		166:24;225:8	measurements (1) 159:6	234:10
		looks (9) 35:14;50:14;80:5;	Mediation (4) 21:8,17;179:9;	measuring (1) 159:6
		93:20;125:23;156:23;	21:8,17;179:9;	159:6
		162:10;163:7,11	182:6	182:6
		loss (28) 49:24;141:17	Medical (4)	182:6

17:6,6;22:17; 116:14 medications (1) 118:16 meeting (1) 219:8 members (1) 111:8 memory (3) 32:4;111:2;114:3 mentioned (2) 215:6;225:11 mentions (1) 31:5 mess (2) 199:13,15 message (2) 73:23;150:7 methodically (1) 196:16 Michael (4) 16:8,9,14;172:13 Michelle (3) 9:5;170:2,3 microphone (2) 75:7;209:25 middle (2) 133:1;143:6 might (12) 48:22;51:4;52:21; 61:14;62:3;88:8,12; 96:17;129:3;148:19; 209:19;234:17 millions (1) 224:13 mind (3) 115:17;184:11; 223:8 Minor (1) 12:24 minute (11) 55:9;74:6;80:19; 101:10;102:10;115:4; 116:5;161:22;180:16; 190:2;192:17 minutes (2) 68:4;151:2 mischaracterize (1) 185:20 misconstrue (1) 58:8 misinterpret (1) 119:6 misquote (1) 221:7 Miss (73) 6:16,22;7:15;18:1; 22:6;23:18;24:24; 26:23;27:5;28:7,17, 22:29:7;31:14;33:21; 35:20;47:15;50:14; 54:4,20;60:1;74:13; 75:4,4;79:20;81:20;	88:15;89:13;95:24; 103:18;109:2;110:5, 17,23;114:17;115:9, 15;116:11,19;117:3, 10;146:19;154:24; 163:24;165:25; 166:24;170:7;171:4; 174:25;177:12,22; 179:6;184:19;185:23; 187:2;188:5;190:4; 191:2;192:2;193:1; 198:14;199:16;201:10; 207:24;210:1,22; 211:5,21;214:12; 216:15;218:23;228:6; 234:6 missed (3) 114:2,3;200:4 missing (1) 76:13 missummarize (1) 119:7 misunderstood (1) 95:24 mitigate (5) 182:2,14;183:6,17; 217:22 mitigation (6) 20:16,17;83:12; 86:22;22;183:24 mixed (3) 154:14,16,18 moisture (4) 85:13;86:17;160:1; 232:21 mold (87) 12:11,15;13:19; 14:2;20:16;47:8;52:2, 2,3,8,9,14,24;53:6,12; 57:6;58:4,23;25;59:2, 4,5,12,13;60:6;64:7; 67:4,7,11;69:2;78:21; 79:2;82:9;86:17,22, 25:90:18;22;93:24; 94:18;97:3,6,9,13,14; 98:8;113:3,9,18; 126:16,18,21;127:6, 11,16;130:25;147:10, 20;164:24;168:16,17, 20,23;169:11,16,18; 176:5;178:6,7,9,10; 193:18;207:5,14; 212:12;214:23;215:8, 16,23;216:3,3,12,12, 18,21;217:22;233:12 mom (1) 17:4 moment (3) 5:20;11:18;208:20 Monday (8) 49:17;57:2;64:1; 85:11;113:24;114:16; 119:24;210:11	money (24) 81:10,18;82:13,13, 15;84:10;93:24; 94:15,22;95:12;96:2, 4,14;98:20,21;99:23; 108:4;138:11;152:21; 155:24;190:13,19; 196:17;227:22 month (6) 18:23;28:15;29:9; 38:4;71:16;208:9 monthly (2) 23:12,15 months (3) 8:6;145:7;224:2 mop (1) 200:3 mopped (1) 200:1 more (20) 17:8;34:13;41:17; 64:15;69:24;82:7,7; 90:18;91:8;97:24; 98:20;99:14;138:11; 143:17;157:6;201:23; 203:8;204:22;214:8; 226:20 morning (10) 31:2;32:11,14,16, 23;36:17;116:15; 129:14,17;205:2 mortgage (3) 23:12,25;190:16 mortgages (1) 24:5 most (3) 5:21;97:13;143:4 move (3) 72:19,25;186:12 moved (3) 12:6,7;76:12 much (26) 7:12;18:22;19:1,6, 9:21;21:22;8:23:15; 30:9;38:1;63:6;79:4, 17:84;17:91;24;92:6; 107:12;109:2;129:21; 136:13;190:16; 201:22;214:14,16; 221:13;224:25 music (1) 172:18 must (1) 214:23 myself (1) 61:16	56:17;60:19;77:2; 82:23;25;83:14;84:3; 87:24;88:6;13;91:12, 15,18;95:5;138:14; 139:9;141:18;145:20; 158:2;169:22;170:6, 10;172:15;173:25; 174:2,11;180:21; 183:4;187:19,20; 191:12;215:6,21; 232:1,5,16;234:11 named (5) 57:8;70:1;139:3; 186:5;215:12 names (3) 15:16;94:11;95:7 nature (1) 7:19 NE (1) 2:16 Neal (1) 12:24 near (4) 63:18;67:17; 171:14;213:16 need (34) 24:10;30:6;31:9; 33:8,9;35:3;42:9; 51:12;52:4,5;53:14; 58:23;60:7;93:22; 94:13;96:18;99:14, 15,24;109:3;110:6; 115:6;127:19;137:8; 167:13;168:4,6; 184:4;195:23;201:6; 208:8;212:16;221:8; 235:17 needed (21) 44:2,3;45:5;51:9, 25:96;23;97:10; 104:17;19;129:23; 138:12;140:25;141:4; 152:5;11;159:21; 164:17;167:25; 187:24;196:10;221:1 needs (7) 96:10;167:12,22; 168:1,7;186:20,22 Nehemiah (3) 12:22;13:1,11 N-E-H-E-M-I-A-H (1) 13:3 Neurology (3) 19:25;22:14,17 neutral (1) 100:19 new (16) 15:17;45:6,8,8; 130:7;190:23;198:8, 13,13,20;199:1,5,6,6, 10;219:11 next (24) 9:9;43:8,9;57:4;	60:12;68:14,18,20,25; 69:1;72:18;79:14,15; 99:7;124:15;130:23; 138:3;148:4;149:19, 24;150:11;153:6; 184:9;212:7 night (1) 129:17 Nobody (6) 51:10;70:21;90:17, 21;170:8;185:2 noise (1) 212:9 non (1) 197:9 nondenial (1) 197:10 nonparty (1) 27:15 North (5) 19:25;20:6;22:13, 16;83:21 Northern (1) 117:6 notary (5) 101:21,22,23; 102:8,25 notation (1) 194:7 note (11) 28:20;62:24;71:9, 11;74:7,10,12;149:18, 19;162:10;180:3 notepad (2) 69:20,21 notes (29) 69:11,12;75:9,22, 25;76:2,5;106:3; 112:7,9,13,14,18,20, 24;137:8;144:19; 149:17;150:14,16,20; 151:5,17;155:10,15; 226:14,18,21;227:12 notice (14) 5:11;104:2;107:6; 108:17;155:19,23; 156:2,3,11;164:16; 193:25;196:21; 197:15;202:12 noticed (3) 48:8,15;210:4 notices (1) 193:3 notification (5) 136:16;166:25; 179:14,19;231:25 noting (1) 164:19 November (13) 42:6,14;71:18; 82:18;83:3,24;89:11, 15;90:3;97:18; 135:22;144:12;
--	---	---	---	--

232:13	5;115:7;185:21; 195:22;196:19;207:7; 209:9;211:2;213:17, 25;214:9;215:9; 216:4,13;217:14,19, 24;218:6,12;220:2, 16;222:6,10;224:7,14, 22;226:2,7;227:8,19; 234:14	Off-the-record (4) 17:23;26:19; 108:24;209:22 often (2) 208:9;225:6 old (6) 13:10;16:3,9;69:19; 103:5;189:21 once (15) 5:19;32:13,14; 80:10,17;81:1,6;88:4; 95:17;127:10,16; 128:14;196:9;208:9; 235:18	ooh (1) 176:16 open (5) 62:1;67:16,19,22; 129:16 opened (6) 27:2;56:18;57:5; 58:3;64:6;126:18 opinion (8) 77:15;78:1,13; 167:14;168:13,15; 185:12;226:5 opposite (1) 234:23 opted (4) 179:4,20;193:17; 224:17 opting (3) 179:22,25;180:10 options (2) 152:15,16 orange (1) 204:13 order (3) 34:4;121:2;130:9 organization (1) 23:12 originally (2) 89:19;134:24 others (3) 16:7;24:17;51:4 otherwise (1) 6:17 ourselves (2) 91:2;165:6 out (268) 7:7;8:5;9:4,22; 12:6;17:17;23:21; 25:13;26:21,21; 27:22;28:12,15,23; 29:6,10;32:13,20; 33:4,5,6;34:5,9,11,18; 36:1,15,20;39:5,6; 40:19;41:2;42:3; 43:11,24;44:1,14,16; 45:22;47:2,16,19,21; 48:18;49:10,15,16,18, 21:50:10;55:22;56:4, 9,15,22,25;57:1,2,5, 11,22,25;58:24;60:10, 11,12,15;61:6,16; 62:8;63:9,10,24,25; 64:6;65:13;67:12; 68:22;69:4;70:16; 73:14;77:3,14,25; 78:2,10,12,18;79:12, 13:80:13,19,22;81:1, 1,24;83:24,25;84:1,2; 87:10,13,17,19,20,22; 88:4,15,16,20;89:2, 17,24;90:17,21;91:4; 92:5,5,22,23;93:7; 95:2,11,17;98:2,16,	22:99:1,6,9;102:6; 106:15;108:6,11; 109:6;111:3,4,9; 112:16,18;114:19; 116:3;119:19,23; 122:7,12;125:7,21; 126:9,10,11,20; 127:17;128:3;129:18, 20,21,21;130:2,13,24; 131:12;132:7,13; 134:7;135:4,13,25; 137:21;138:3,7,19,20, 22,24;139:2,6,7,8; 140:16,20;141:1,9,10, 14,16,18,23;142:1; 151:2;152:1,14,20; 153:12,14,14;157:10, 12;158:2,5,8,11,13, 14,20,21;160:9,9; 166:17;168:19,22; 169:20;170:17,22; 171:19,22;172:13,17, 21,21,23;173:2,7,24; 174:1,13;175:5,20; 179:4,20,22,25;180:5, 10;183:1,3,3,14,14; 190:16,19;193:17; 194:24;195:4;199:25; 200:1,3,17;203:7,10, 11,13,21;205:11,23; 212:10;219:8;220:23; 221:5,24;222:23; 224:17;228:13,21; 233:11,15,16;236:9 outside (9) 48:25;184:25; 200:2,10;202:19; 203:10,15;206:4; 229:9 over (47) 8:6;35:22;48:16,16; 66:22,24;72:4;84:19; 92:4,5,21;104:17; 111:12;113:22;114:1, 15,18;119:1;123:19; 124:23;133:13; 136:20,21,25;145:4,6; 146:21;154:19,20; 170:7;171:19;173:1; 184:25;187:23;195:8, 21;196:2;206:21; 207:21;209:16; 210:11,14,24;222:9, 16,20;225:20 overnight (1) 206:2 owe (4) 81:10;214:19; 217:2,6 owing (1) 82:13 own (3) 98:2;179:4;219:15
numbers (4) 95:6;176:17;181:3; 231:1	obtained (2) 17:19;148:19 obtained (3) 24:13;106:25; 148:22 occupation (1) 17:25 occurred (3) 12:15;31:15;109:25 occurring (1) 79:8 October (65) 29:10;43:13,25; 45:22;46:23;47:2,5, 17,22;49:17;50:10; 51:18;56:9,23;59:10; 60:13;61:4;64:1,5,19; 67:13;70:5;71:16,17; 72:12;73:24,24;74:4; 76:22;77:9;87:14; 89:21;92:19;119:24; 121:6,22;122:8; 125:22;127:13,24; 128:3;130:11,23; 131:1,12;132:7,15,16; 133:13,14;134:22; 157:15,21;158:23; 175:20;210:11,14; 211:7,23;212:23; 213:4,7,7,8;231:19 off (22) 23:13,25;24:2; 26:16;32:18,19;54:4; 58:18;101:12;103:9; 107:11;108:23; 129:15,18;156:18; 163:1;166:19;186:14; 191:13;196:1;203:15; 209:25 offered (2) 77:13,25 office (9) 20:1,3;27:16;39:24; 101:16;180:21,24; 187:16;188:14	one (115) 7:6;8:13;17:8;26:6, 9;28:9,9;29:13;30:10, 15,15;31:17;32:22; 34:13;39:17;19,20; 43:8;45:7,8;50:23; 51:8;52:10;54:25; 55:17;56:5;62:7;64:6; 65:18;69:23;70:20, 20,21;21;84:6;11,25, 25;91:8;94:24;97:16; 98:9;16;99:3;102:21, 24;106:6;107:4; 109:24;121:4,4; 122:9,10,11,13,14; 126:7,14;127:12,20; 129:12,13;133:20,21; 134:8,9,11,13,21; 137:17;138:24; 144:16;145:23;149:1; 150:13,25;151:24; 156:2,14,18;165:17, 18;167:21;170:8,13; 175:14;176:4;181:23; 183:3;184:9;189:19, 22;193:5,7,17;195:5; 202:9,22;204:12; 208:13;209:14,14; 213:14,15;216:24; 221:1;226:20;234:3, 10;235:5,22,25;236:6, 6,6 one-on-one (4) 150:19;151:13,18; 226:24 ones (4) 99:24;183:2;186:4; 196:5 ongoing (1) 129:9 only (22) 30:18;31:4;52:23; 65:18;75:17;82:13; 86:13;95:11;112:14; 134:13;135:12; 171:11;179:2;183:2; 186:3;210:15;226:14; 231:12,14;232:9; 236:1,3	out (268) 7:7;8:5;9:4,22; 12:6;17:17;23:21; 25:13;26:21,21; 27:22;28:12,15,23; 29:6,10;32:13,20; 33:4,5,6;34:5,9,11,18; 36:1,15,20;39:5,6; 40:19;41:2;42:3; 43:11,24;44:1,14,16; 45:22;47:2,16,19,21; 48:18;49:10,15,16,18, 21:50:10;55:22;56:4, 9,15,22,25;57:1,2,5, 11,22,25;58:24;60:10, 11,12,15;61:6,16; 62:8;63:9,10,24,25; 64:6;65:13;67:12; 68:22;69:4;70:16; 73:14;77:3,14,25; 78:2,10,12,18;79:12, 13:80:13,19,22;81:1, 1,24;83:24,25;84:1,2; 87:10,13,17,19,20,22; 88:4,15,16,20;89:2, 17,24;90:17,21;91:4; 92:5,5,22,23;93:7; 95:2,11,17;98:2,16,	48:25;184:25; 200:2,10;202:19; 203:10,15;206:4; 229:9 over (47) 8:6;35:22;48:16,16; 66:22,24;72:4;84:19; 92:4,5,21;104:17; 111:12;113:22;114:1, 15,18;119:1;123:19; 124:23;133:13; 136:20,21,25;145:4,6; 146:21;154:19,20; 170:7;171:19;173:1; 184:25;187:23;195:8, 21;196:2;206:21; 207:21;209:16; 210:11,14,24;222:9, 16,20;225:20 overnight (1) 206:2 owe (4) 81:10;214:19; 217:2,6 owing (1) 82:13 own (3) 98:2;179:4;219:15
objection (39) 5:22,23,25;22:2,5; 51:22;106:17;110:3,				

P	195:3;235:16 pass (1) 192:12 passing (1) 70:23 passion (1) 5:20 pay (36) 24:2;30:9;37:17,18; 38:6;45:25;46:5,8; 81:19;83:4;90:10; 96:4;97:1;107:17,20; 153:15;160:19;161:5, 7:163:17;194:12,12; 195:14;196:8,17; 217:2,6,11,16;218:3, 9;221:15;222:18; 224:6,11;234:25 paying (3) 49:10;55:11;220:21 payment (1) 144:5 payments (1) 23:15 Peachtree (1) 2:16 Peck (1) 84:3 P-E-C-K (1) 84:4 pencil (1) 121:23 pending (2) 7:24;117:6 people (27) 25:18,19;80:11; 82:13;88:16;93:4; 94:21,25;112:15,16, 18,19;137:19;138:14; 141:7;150:22,24; 151:14,19;171:19; 184:2,25;185:3; 186:5;219:13;221:4; 227:12 per (3) 18:22;38:4;145:2 Perimeter (2) 40:1,2 period (2) 145:5,6 permanent (1) 19:18 permitted (1) 5:9 person (15) 21:3;60:11;70:20; 82:21;94:12;95:2; 102:23;112:12; 146:22;163:21,25; 172:17;186:20;212:7; 226:20 perspective (1) 70:22	pertaining (1) 10:15 phone (20) 28:3;38:9,11,11; 94:25;99:15,19; 106:8;112:12;136:21; 137:3;140:3;144:20; 146:21,23;176:18; 180:23;181:1,2; 212:20 photographs (1) 92:16 photos (5) 173:10,13,14,15,18 phrased (1) 110:13 physical (1) 90:24 physically (1) 42:19 pick (1) 94:24 picked (1) 85:11 pictures (3) 136:5;159:4;189:13 piece (4) 28:19;92:4;165:10; 233:8 pipe (48) 25:12;26:4,11; 28:12;29:18,21,25; 30:2,7,10,10;32:9; 34:11,14;35:5,8,13; 41:5,14;43:16;44:1,2, 18;48:3,4,22;51:11; 62:9;63:13;66:15; 67:6;129:11;134:7; 146:15;147:10,20; 165:16,23;166:6; 178:5,5,5,7;190:12; 229:9,11,18,22 piped (2) 43:15;44:17 pipes (32) 29:22;30:11;32:6; 35:23;43:17,18;44:6; 45:4;51:8;63:6;66:8; 174:4,5;220:8,11,14, 20,24;221:3,9,20; 222:4;227:17;228:7, 12,20;229:14,24,25; 230:3,10,13 piping (2) 41:7,11 place (5) 5:11;14:20;100:20; 140:20;206:22 Plaintiff (4) 2:2;5:7;192:24; 234:4 Plaintiff's (3) 181:9,13;182:2	plan (1) 65:10 playing (1) 172:18 pleadings (1) 10:18 please (28) 8:8;23:17;26:17; 28:22;32:1;40:6; 51:21;58:9;70:9; 74:14;81:21;85:25; 91:13,16;103:11,13, 24;110:10;115:20; 118:13;119:8;185:20; 187:5;192:14;197:13; 198:16;226:12; 235:12 pleasure (1) 219:7 plumber (13) 98:7;119:16; 122:12;173:24;174:1, 3,7,9;209:6;211:5,6, 23;213:4 plumbers (3) 52:10,11;209:3 plumbing (41) 20:14;42:2,14; 43:10,24;44:14; 45:12;47:1;49:19,22; 50:7,16,18,24;52:12; 55:15,17;56:9,20; 57:9,22;62:20;63:8, 25;64:17;65:25; 119:19,23;120:7; 125:21;127:13; 131:11;132:6;164:21; 171:24;173:15; 175:20;191:20; 228:13,21;229:5 plus (3) 177:1,15;178:12 plywood (3) 165:11;171:14; 233:8 pm (6) 103:15,16;116:6,7, 20;236:12 PO (1) 38:20 pocket (1) 81:18 point (12) 63:10,12;82:12; 85:17;98:6,6,9; 138:24;144:9;149:1; 157:12;214:7 policies (1) 216:3 policy (33) 54:12;101:4; 142:23;143:5,13,15; 145:7;164:12,14,19;	194:2;197:8;198:6,7, 8,12,13,20,23,25; 199:1,2,4,6,11;215:7, 23;216:11,24;220:19; 230:18;231:12,14 poly (1) 229:7 polybutylene (18) 29:21;30:2,7;41:7, 14;43:15;44:8,18; 51:1;66:15,17; 228:12,20;229:11,14, 18,22,24 Ponce (2) 102:21;103:2 popped (1) 34:12 porch (1) 203:15 portions (5) 145:2;235:22,25; 236:1,3 position (2) 22:16;227:5 positions (1) 227:4 possibility (2) 106:5,22 postjudgment (2) 177:3;178:14 power (6) 100:11,14,18; 156:3,6,10 prayers (1) 218:15 prejudgment (2) 177:3;178:14 Premier (1) 40:9 P-R-E-M-I-E-R (2) 40:3,8 premium (1) 216:11 preparation (2) 10:5;11:6 prepared (1) 137:24 Present (6) 2:22;61:1;86:25; 129:2;158:10;186:19 presented (1) 144:11 president (1) 219:11 pressure (16) 43:15,18;44:3,4,5; 45:3,5,6,6,9,21;221:2, 8,10,21;222:2 pretty (1) 225:6 prevent (1) 118:17 preventative (1)
----------	---	---	---	---

167:2	proud (1)	19:24	83:16;84:4;87:9; 89:12;107:3,8;135:8, 11;137:3,4,12;138:2, 18;139:9;148:12,20, 21,24,24;149:14,16; 155:6,14;156:7; 171:18;206:1,3; 214:8,12;228:14,25	redo (2) 18:9,10
preventing (1)	provide (8)	quote/unquote (1)	9:17	reducing (1) 43:18
114:20	28:7;77:15,25; 78:14;145:8;152:9; 173:8;185:12	R		reference (1) 117:4
previous (7)	provided (4)	rack (1)		referencing (2) 122:16;182:7
19:3;67:14;126:2; 144:1,6;152:23;154:1	84:7;85:7;94:23; 99:4	48:15		referred (3) 93:15;163:2,4
previously (8)	provides (1)	raining (3)		referring (2) 161:18;168:25
22:10;90:16;96:1; 107:4;132:1,4; 134:16;154:11	142:23	48:25;63:18,22		reflect (3) 5:6;59:19;117:2
printed (2)	providing (2)	RALPH (13)		reflects (1) 8:20
101:12;102:3	137:13;138:11	2:3;5:13;29:3; 59:21;116:16;120:9;		refresh (2) 32:4;111:2
prior (10)	proxy (1)	136:11;162:1;166:9; 174:15;177:7;186:16;		refrigerator (25) 32:10,22;35:6,15; 36:16,25;37:24;
14:11;22:13;47:2; 70:25;89:15;137:1; 141:7;147:1,2;162:22	100:20	212:24		123:8,10,13;124:6,8, 10,11,19,23;125:9;
privilege (1)	public (8)	ralphjvillani@gmailcom (1)		129:13;130:13,18;
6:2	102:8;104:22; 105:25;153:23;154:2, 9,12;155:8	2:10		132:17,21;140:12;
probably (6)	pull (2)	ran (2)		165:19;168:7
9:3;27:2;54:16; 57:8;73:8;226:20	176:18;187:11	7:6;219:11		regard (4) 69:1;90:18;112:15; 148:17
problem (6)	pun (1)	rather (2)		regarding (35) 6:10;7:19;12:11;
55:21;115:9;121:9; 127:6;220:5;236:8	166:8	115:18;209:12		13:18;26:10;32:6;
Procedure (1)	punitive (2)	reach (1)		36:24;51:3;69:12;
5:10	177:2;178:13	99:8		72:15;76:25;89:11;
process (1)	purchase (6)	reached (2)		100:13;105:19;106:9;
203:16	23:5,7;193:12,12; 223:15,18	99:1;152:1		112:7,20,24;137:5;
procure (1)	purchased (5)	read (17)		148:6;149:20,24;
27:19	22:20,25;24:7; 216:20;223:20	6:20;35:10,18;40:6; 43:22;45:19;94:2;		150:4;155:10,12;
produce (1)	purposely (1)	120:17;145:9,10,14; 152:7;154:19;164:25;		164:17;167:1;170:16;
10:23	196:16	165:1;170:3,4		171:2,4;180:10;
produced (9)	purposes (2)	reading (1)		185:13;187:4,7;
10:22,24;33:16; 35:3;42:2;54:10; 130:8;151:22;179:3	5:8,9	72:25		190:24
Professional (1)	pursuant (1)	readings (1)		registered (4) 27:17,18,25;28:2
104:3	5:11	85:13		registration (1) 27:22
progress (1)	push (1)	ready (1)		regulator (2) 221:9,11
225:4	115:11	11:11		reimbursed (2) 107:23;108:4
prompted (7)	pushing (1)	real (1)		reinspect (2) 77:14;135:5
18:5;51:16;24;52:7, 21;57:18;125:16	200:2	235:9		reissue (1) 198:12
pronounce (2)	put (38)	realize (2)		relationship (1) 78:6
77:2;180:21	7:5;9:17;10:10; 28:20;45:6;73:8; 80:13;81:1;82:19; 83:9;92:4,5;122:7;	206:16,20		relief (1) 218:15
proof (1)	124:10,12;128:14; 129:21;132:22;138:5;	really (13)		relight (1) 42:15
163:17	140:16;141:13; 151:21;165:10; 171:13;183:14;	53:22;59:17;68:8; 78:15;107:25;114:24;		relighting (1) 50:8
property (9)	187:23;190:13,22;	116:1;169:12;177:17;		remained (1)
22:20,25;23:5,8; 24:5,7;28:12;87:11; 167:2	192:13,15;203:1,7;	196:7;201:1;219:12, 12		
propose (1)	205:14;220:19;221:2, 3,11;235:21	reason (18)		
5:13	putting (3)	7:5;8:7;43:2;67:6; 78:20;81:3;98:19;		
Protect (24)	22:2;86:21;233:7	113:16;150:20; 151:12;185:24;		
24:16;35:25;36:1,4, 6,17,18,20;37:7,11, 16,22,23;38:2,8,20, 24;39:2,4,8;43:18; 59:5;141:12,13	Q	213:13;220:24;221:1; 226:1,5,18;227:3		
Protection (1)		reasonable (3)		
24:14		226:1,4,5		
protects (1)		reasons (1)		
37:23		98:16		
		recall (42)		
		21:1,12;32:7;34:16; 39:9;41:14;47:1;63:3;		
		71:10;73:19;82:21;		
		recoverable (1)		
		136:1		
		red (1)		
		7:3		
		redirect (1)		
		31:10		

232:22	191:11;233:7	5:14;235:7	66:3,5,10;67:20;71:2; 72:6,21;74:11;76:13; 77:8,10;78:25;79:12; 80:25;83:7;87:14,15; 88:20;89:4,21;91:3; 93:18;94:20;95:14; 97:18;98:5,8,17;99:5; 100:6,9,24;105:10; 107:11;108:21,25; 110:21;111:5;113:21; 114:4,12,23;116:18; 117:13;118:8,10; 119:25;121:10,11,23; 122:3,4,6,8,9;123:1, 4,9,11,21,23,25,25; 124:1,5,6,8,15,21; 125:1,1,3,4,6,24; 126:5,15,22;127:14; 128:2;130:11;131:7; 132:18;133:4,5,6,9, 10,11,15,17,22; 134:16;135:23; 136:18;137:21,23; 139:16;144:6,7,19; 146:24;148:4;152:2, 25;155:1,17;156:18, 24;157:13;162:13,16; 163:1,13;164:12; 165:11;166:2,9; 171:24;172:4;173:20; 174:20;175:21; 177:24;179:9;180:19; 182:19;183:7,12; 184:9;185:9;189:9; 191:13;192:2,7; 200:11;204:20;210:3; 211:2;214:2,22; 215:15;231:1,13; 233:3;235:5	RPD (1) 27:15 rude (1) 8:19 Rule (1) 186:22 Rules (1) 5:9 runaround (1) 70:20 running (36) 49:5,6;52:22;57:23; 58:19;61:9;62:11; 64:22;69:20;111:15; 116:2;119:14;122:21, 22;125:15;126:3,24; 128:5,8,11;131:25; 140:11;144:17; 175:16,19;178:8; 208:5,16,19,22;209:4; 210:19;211:25;212:3, 8,9 rushing (2) 55:23;67:8
remaining (1) 90:11	repeat (19) 23:17;24:23;38:13, 15;74:14;75:7;81:21, 23,24;90:20;108:9; 147:14;151:3;161:25; 169:24;187:5;201:7; 207:24;230:20	reset (3) 115:7,19,21	S	
remarried (1) 15:11	reside (2) 12:2;16:14	restricting (1) 198:6	Safety (2) 187:17;188:14	
remediation (5) 84:8;182:1,11,12, 17	residing (1) 12:18	restrictions (2) 198:13;199:6	Sales (4) 42:2;50:7;228:13; 229:5	
remember (89) 14:18;15:19;21:6; 22:15;31:18;34:5; 35:21;37:8;41:1,2,4; 42:23;49:23;55:14; 60:15;62:16;69:10; 71:5,7;74:9;76:16; 82:25;83:1,14;87:20, 24,25;88:14;92:1,6, 10,15;94:11;95:5; 102:17;106:2,8,11,12, 18,20,21;107:2,11; 108:14;111:17;112:5; 113:7,10,13,14,21,23; 114:13,14,15;118:21; 128:20;130:3,4; 137:10,11;138:23; 139:2,3,6;145:24; 146:1;155:9;157:5,9; 158:1;169:21;170:6, 19;172:22;173:12,24; 174:2,11;183:4; 190:22;191:23;197:3; 198:15,15,22;212:21; 215:6	result (4) 165:22;168:1; 176:8,11	same (37) 8:24;27:21;39:18; 45:22;56:19;57:17; 59:12;64:13;71:16; 101:19;118:2;119:1; 125:19;126:10,12; 131:10,15;132:3,16; 134:8;140:13;143:25; 144:5;154:16;160:10; 162:6,7;178:11; 198:23,25;201:7; 203:19;217:19,24; 218:6,12;226:7		
remembered (1) 9:15	report (16) 51:17;69:2;79:10; 127:2;129:24;157:15, 21;158:24;159:23; 161:11,18;167:3; 222:24;225:16; 232:24;233:5	retained (2) 162:25;185:11	Samuel (3) 16:2,3,14	
REMOTE (1) 2:1	reported (3) 55:23;118:22; 175:24	retainer (7) 104:2;107:6; 108:17;155:19,23; 156:2,11	Sandra (3) 11:24;12:17;15:13	
remove (2) 85:20;86:2	reports (2) 186:20;223:8	review (3) 10:6,8;137:8	S-A-N-D-R-A (1) 11:25	
removed (2) 41:10;86:15	represent (4) 33:14;54:6,6;175:2	reviewed (2) 10:9;11:3	Santos (1) 101:14	
Renata (3) 101:14;102:22,23	Representatives (1) 172:1	rewrite (1) 198:8	Sari (1) 2:23	
renew (1) 197:10	request (8) 38:23;88:18;93:5,6, 6,8;158:20;173:7	RICO (2) 177:3;178:13	sat (4) 48:19;119:13,13, 209:1	
renewal (1) 28:8	requested (2) 36:20;170:4	rid (1) 206:13	Saturday (3) 48:7;49:1;56:10	
repair (15) 30:9;51:1,2;62:19; 63:3;79:5;83:12;97:7; 135:24;165:9;169:20; 170:23;197:25; 217:16;227:22	requesting (1) 21:22	right (196) 6:21;8:2;9:11,20; 10:13;13:17;14:4; 18:8;22:19;23:3,3,14;	Savannah (1) 27:22	
repaired (17) 43:16;44:18;55:20; 63:4;64:1;121:8; 163:18;165:20,21,23, 24;167:8,10;168:1; 197:20;209:12; 210:15	required (1) 186:21	27:9;28:11;29:7,11; 31:11;33:22;35:1,7;	saw (14)	
repairs (8) 24:9;90:25;91:25; 92:18;167:25;171:11;	requiring (2) 164:20;167:1	36:2;39:2,3;40:2,18; 41:21,25;42:7,8;43:8;		
	rescheduled (1) 116:12	46:24;47:18;48:9; 52:9;54:22;56:19;		
	research (2) 144:24;145:13	57:10;61:4,19,21;		
	reserve (2) 6:21;235:10	62:24;63:5,16,24;		
	reserved (2)	64:2,11;65:2,14,21;		

36:15;48:16,20; 52:1;89:20;118:3,3; 121:3;133:20;134:2, 6;188:1;189:16; 209:14	screw (1) 29:19 screws (2) 18:8,8 second (16) 54:22;72:5,21; 79:18;83:8;100:7; 121:4;133:2;140:10; 143:7;166:19;176:20; 194:6;210:23;226:12; 236:6	82:1 S-E-R-V-E (1) 39:19 service (19) 24:22;25:1;28:8; 34:4;36:25;38:24; 42:3;49:11;50:7; 62:20;25;63:1;104:4; 121:2;130:9;228:13, 21;229:5,6	203:23,24,25;204:2, 25;205:4,9 Shop-Vacs (2) 202:9,20 Shortly (3) 45:11;76:7,8 show (22) 50:5;51:20;54:8; 61:12;65:3;72:6; 79:19;83:20;89:5;	sit (6) 41:13;53:9;63:21; 225:19;227:15;234:6 sits (2) 48:15;124:19 sitting (9) 39:9;90:16;122:23; 123:9,15,25;171:11; 206:18;233:6 six (2) 203:17,18 sketch (4) 65:3;121:19; 130:15;131:10
saying (19) 38:5,25;40:2;96:11; 97:14;99:14;110:5,8; 128:12;143:8;153:24; 154:12;176:14; 179:21;197:16; 215:24;223:25;224:3; 232:10	Secretary (3) 27:16,16;28:1	Services (4) 42:14;96:17,17; 107:13	120:8,22;130:6; 142:3;155:17;156:19; 157:13;160:12;161:8; 170:14;174:20;181:4; 229:2	slept (1) 114:5
scared (1) 81:9	Security (3) 18:14,25;19:16	ServPro (60) 80:16,19;81:15; 82:2,17,22;83:4,13, 20;84:13,17;85:5,8; 86:2,20;90:10,22; 92:12;94:20;95:14, 15,16,20;96:2,16,21, 23;98:17,18,19; 112:25;137:18,19,21; 138:2,5,15,19;140:17, 18,19;141:21;145:2; 150:4;172:4;173:7, 10;183:14,23;195:4,4, 8,11,16,21;196:2,6,8, 10,13	61:14,17;62:2; 78:17;107:10;133:21; 134:6,8;196:24	slow (1) 228:17
scent (2) 214:25;215:3	seeking (3) 173:4;176:7,10	showing (3) 110:23;136:17; 189:12	134:6,8;196:24	slowly (2) 75:6;170:11
schedule (1) 60:9	selected (1) 80:19	shown (2) 54:16;196:22	110:23;136:17; 189:12	small (1) 134:18
school (5) 16:19,19,21;17:5; 142:2	sell (1) 197:21	shows (4) 55:16;98:13; 143:13;180:4	189:12	smaller (2) 80:2;204:5
schools (1) 17:1	send (10) 27:14;33:5;77:25; 79:13;148:18;179:21, 23,24;180:6;194:12	shushed (1) 7:7	143:13;180:4	smell (1) 214:23
scope (1) 21:24	sending (3) 120:10;162:14; 163:11	shut (2) 32:18,19	143:13;180:4	smelled (4) 57:5;59:13;64:7; 126:16
SCOTT (95) 5:1,2,8;6:22;7:15; 9:25;11:24;12:18; 15:4,5,13;16:2,8; 18:1;22:6;23:18; 24:24;26:23;27:5; 28:7,17,22;29:7; 31:14;33:10,21;34:2; 35:20;45:18;47:15; 50:14;54:4,20;60:1; 65:7;72:8;74:13;75:4, 4;79:20,21;81:20; 88:15;89:7,13;95:24; 103:18;109:2;110:5; 17,23;114:17;115:15; 116:19;117:3,4,10; 120:19;142:5;144:12; 146:19;154:24; 161:12;163:24; 165:25;166:24;170:7; 174:22,25;177:12,22; 179:6;181:6;184:19; 185:23;187:2,12; 188:5;190:4;191:2; 192:2;193:1;198:14, 16;201:10;207:24; 210:1,22;211:5,21; 214:12;216:15; 218:23;228:6;234:6	sign (5) 6:20;101:21,24; 142:20;235:20	103:6;113:22;114:1	snooped (1) 61:15	
Scott's (2) 115:9;116:11	sent (40) 33:6;49:18;63:25; 71:15;73:4;77:1,1; 80:10,11;87:19; 89:24;93:21;95:20, 22;101:13;119:19; 120:6;121:1;128:25; 135:16;138:1,1,20,21; 145:16;160:14; 162:10,25;163:8; 172:13,21;179:23; 182:2;183:3;196:4; 198:5,11;212:10; 221:24;222:15	set (4) 141:9,10;200:3; 205:22	103:6;113:22;114:1	soak (1) 202:8
scrab (1) 28:19	sentence (2) 94:7;178:11	settled (2) 188:21;224:12	123:15,18;124:22,24, 25;125:1;132:12;	soaked (3) 203:4,5,8
screen (9) 33:7,20;65:5;72:7; 79:20;103:18,21; 134:17;174:25	separate (4) 20:9,10;35:7; 123:14	settlement (3) 21:21;179:10; 180:10	133:7,11;136:6	Social (3) 18:14,25;19:16
September (27) 12:16;30:19;31:1, 16;48:5,9;49:1,13; 56:10;57:18;62:11; 63:17;87:6;111:15; 119:12,20;125:16; 171:20;175:4,15; 180:2;208:3;213:6,7; 228:13,22;229:5	shear (5) 33:7,20;72:7;83:10; 103:18	several (5) 8:5;144:24;150:24; 151:18;195:11	6:20;101:21,24; 142:20;235:20	solely (1) 181:19
September/October (1) 206:5	shape (1) 115:24	shake (1) 8:17	33:2,5,6;56:14; 60:9;68:22;69:15,18; 75:23;76:10;77:1,14, 25;79:14;84:9;87:16, 22,23;88:1,22,24;	somebody (39) 33:2,5,6;56:14; 60:9;68:22;69:15,18; 75:23;76:10;77:1,14, 25;79:14;84:9;87:16, 22,23;88:1,22,24;
Serv (1)	sheet (2) 6:25;171:14	sharing (1) 125:9	89:24;97:4;113:18; 129:18;139:3,20; 150:23;152:19;	somebody's (1) 209:17
	sheriff (1) 27:23	sheetrock (3) 85:20;86:2;90:25	108:16;142:20; 155:20;156:9,12,16	someone (13) 69:25;78:2;87:10, 19;88:4;101:15;
	Shop (1) 203:22	signing (4) 6:14;107:3,8;156:7	152:17;168:21;	152:17;168:21;
	Shop-Vac (11) 202:6,8,9,13;	Silver (1) 174:12	169:16;170:5;172:15;	169:16;170:5;172:15;
		single (1) 33:17	179:25;212:10	179:25;212:10
		sink (6) 98:1;132:17;	184:20;186:18;	sometime (3) 184:20;186:18;
		Shop-Vac (11) 202:6,8,9,13;	197:22;215:6,7,12;	
			227:6	

106:12;174:14; 208:3 sometimes (3) 9:1;214:24;215:2 somewhere (2) 114:13;172:19 son (1) 219:12 soon (3) 116:19;221:6,7 sop (1) 202:24 sops (1) 202:10 sorry (50) 15:8;23:20;26:20; 27:20;28:16;30:21; 40:14;53:23;54:17; 56:3;69:23;70:10; 71:6;72:2;75:7;81:13; 90:19;91:14,18; 95:23;102:10,12; 103:4,4;108:20; 114:18;115:23,25; 147:14;151:2;163:23; 164:4;165:25;170:9; 174:18;177:9;180:8; 191:15;196:22; 201:13;207:8,9; 212:20;213:1;215:1; 217:3;219:13;228:1; 235:8;236:2 sound (9) 52:22;63:20,22; 64:3,13,22;108:22; 131:25;156:24 sounded (1) 48:25 sounding (1) 61:21 sounds (2) 166:6,6 sources (1) 19:20 space (3) 67:16,17,19 span (1) 213:8 speak (14) 8:6;44:12;73:16,17; 74:10;75:6;76:21; 99:21;109:17;111:8, 11:148:8;150:21,21 speaking (6) 73:19;76:7,16;84:4; 146:1;148:12 speaks (1) 177:1 specific (2) 67:1;70:8 specifically (1) 173:3 specified (1)	100:22 speculate (1) 230:5 spell (6) 10:3;13:2;40:7; 60:19,20;170:11 spend (1) 91:24 spent (1) 120:11 spoke (36) 11:13;34:22;69:22, 25:7;31:18,21;74:7,8, 15:75:23;76:10,22; 77:9,11;82:21;94:12, 21:99:22,22;102:24; 112:19;135:3;145:24; 148:1;149:24;150:1, 3,15,24;153:22;180:7, 7,9;207:21;226:14,21 spoken (1) 142:24 spouse (1) 15:3 squeegee (5) 32:13;141:6; 199:23,24;203:20 squeeged (4) 32:20;199:25; 200:1;203:9 squeegeing (4) 200:14,15;203:20, 21 squeeze (1) 136:7 squeezed (2) 141:6;203:9 SSDI (1) 19:9 stack (2) 10:23;11:2 stamped (2) 34:2;45:18 stand (1) 10:1 standing (1) 123:24 stands (1) 195:22 standstill (1) 82:11 start (1) 36:3 started (10) 7:16;9:20;39:10; 116:14;133:24,25; 134:4,11;147:4; 172:18 starting (2) 16:18;114:23 state (9) 5:24;17:7,13,14,15, 20:27;17;187:17;	188:15 statement (5) 46:12;83:23; 147:15;185:15;198:2 statements (1) 84:7 States (1) 117:7 State's (1) 27:16 status (4) 69:6;70:15;106:9, 13 stay (2) 77:22;85:7 stayed (4) 138:7;205:25; 206:2;224:21 step (1) 149:24 Stephanie (3) 101:24;102:14,25 steps (1) 68:14 still (33) 14:4,23;37:12,13; 41:21;56:5;57:13,15, 23:61:9;69:7;82:12; 86:18,25;103:19; 117:11;126:2;128:5, 7;130:19;149:25; 167:10;168:16; 197:20;205:5;210:18; 211:6,7,16,25;212:3, 6;223:7 stipulate (1) 6:11 stipulations (1) 5:14 stop (9) 18:5;64:3;77:8; 83:10;110:6;115:1; 175:19;204:24,24 stopped (7) 42:11;43:3;131:22, 25;167:4;171:13; 206:9 stove (2) 37:24;124:23 Street (5) 2:16;12:5;14:5; 40:7;63:15 stricken (1) 6:7 strike (1) 222:14 stuck (2) 82:10,11 stud (2) 85:21;90:25 stuff (8) 69:17;71:15;76:13; 82:8;114:11;116:2;	202:25;204:4 stupid (1) 146:10 subfloor (1) 145:3 subflooring (1) 206:17 subfloors (1) 159:25 Subject (1) 22:5 submitted (2) 152:10;186:20 sue (1) 20:25 sued (1) 21:5 suggest (2) 30:1;127:15 suggested (1) 127:13 suing (1) 176:13 suit (4) 21:9;216:2;223:13; 230:18 Suite (6) 2:7,17;40:1,3,11,15 Sun (2) 18:21;19:4 supervisor (1) 70:18 supply (6) 55:19;56:13;57:12; 64:2;120:3;121:7 support (2) 181:19;184:4 supposed (5) 53:2;147:12,21; 233:1,2 Sure (62) 6:15,15;8:19;11:15; 13:22;14:1;16:6; 21:14;25:5;28:21; 31:18;32:9,21;35:22, 23:36;11:41;16; 52:19;56:7;59:18; 61:20;68:10;71:14; 72:3;73:18;75:20; 78:15;86:12;87:1; 90:20;92:14;101:11; 103:14;109:9,23; 110:19;113:10;119:2; 138:20;140:8;144:16; 145:23;149:13;153:7, 9;156:14,17;157:8; 159:7;162:20,23; 168:23;171:22; 173:11,17,19;175:13; 180:20,24;183:8; 187:9;227:11 surgery (2) 18:7,9	swim (1) 98:1 switch (1) 93:3 sworn (1) 5:3
				T

166:2	76:7,8	7,9,16;165:7,7; 171:14;209:1,16; 213:15,16,16;233:8	Travelers (95)	tub (12)
Teitelbaum (30)	thinking (2)	told (49)	52:1;55:1,10,11; 59:17,23;78:7;80:11; 112:19;134:23; 135:17,21;138:1,10, 11,18;142:11,13,20; 143:1,4,5,6,8,16; 160:9,9;162:15; 164:16;172:16;179:1, 8,9;189:21;193:3,4,9, 13,15,18,20,22,25; 194:3,7,12,12,17,20, 21;195:6,13;196:4,7, 7,13,15;197:7;198:5, 11;207:4,16;212:22, 23;215:4,17;216:2,11, 20;219:20;23;221:15, 23;223:5,7,22,25; 225:16,23,25;227:17, 21;229:23;230:2,5, 11;231:20;232:4,8,10, 25;233:3,14,24;235:2	55:19;56:14;62:10; 64:2;120:4;121:7; 125:23;133:14;209:7, 12,14;210:15
60:17;61:2,6,12; 67:12,23,25;68:1; 76:18;87:13;88:19; 106:9;128:2,7; 130:22;133:18;134:2, 10,23;136:20,22,24, 25;138:23,25;139:14; 148:15;149:15; 215:19;231:17	103:4;143:10	throughout (6)	tubs (1)	
T-E-I-T-E-L-B-A-U-M (2)	144:10;236:6	44:8;66:17;145:3; 164:23;165:14; 211:16	204:13	
60:19,22	thought (19)	21:11;92:4;100:2; 112:14,18;118:25; 167:2;173:14,18; 202:2,25;226:14,18, 21;228:23	turn (2)	
telephone (3)	32:17;48:22;55:10, 11;61:14;62:3;95:16; 96:1;98:18,21;105:3; 115:10;143:9;146:17; 154:15;185:25;207:9; 232:8;235:2	82:2;84:9;94:10;96:2, 89:7;2,4;98:12;99:24; 105:24;112:4;127:11; 128:13;129:10; 134:14;135:15;138:9, 12,13;145:15,17,18, 19;146:4,9;147:11, 16;159:19;174:11; 179:25;183:22;	TV (1)	
152:24,25;180:15	Thrash (1)	194:11;210:10;212:5; 215:15;221:6,8	170:14	
teller (1)	117:6	took (15)	twice (2)	
102:23	three (7)	21:11;92:4;100:2; 112:14,18;118:25; 167:2;173:14,18; 202:2,25;226:14,18, 21;228:23	204:24;205:14	
telling (7)	27:23;109:22; 199:20;208:23; 235:20,24;236:4	top (7)	two (40)	
50:21;137:12; 155:6,9;165:9; 195:20;196:25	throughout (6)	101:4;185:1;186:5; 193:4,8;231:2;232:4	19:20;30:10,14; 31:5;39:1,19;57:11; 107:9;109:22;119:7, 12,123:10;124:7,19; 151:1,3;154:1,6; 186:3;200:9;202:16, 17;204:19;205:6; 208:23;213:13,14,19, 22,23;223:8,23; 227:16,22;228:10; 229:16;235:16,22; 236:1,3	
tells (1)	44:8;66:17;145:3;	Total (25)	two-page (1)	
79:13	164:23;165:14;	24:14,16;35:25; 36:1,3,6,17,18,20; 37:7,10,16,22,23; 38:1,8,20,24;39:2,4,8; 43:17;59:5;141:12,13	19:24	
temperature (1)	211:16	touch (2)	Tylenol (1)	
206:3	tile (1)	70:2;82:8	115:2	
ten (2)	85:21	toward (1)	type (9)	
64:15;204:9	Tiller (4)	48:17	39:13;130:25; 157:14;179:14; 200:23;228:7;230:3, 10,13	
tendency (1)	91:7,10,11,21	towards (1)	U	
220:14	T-I-L-L-E-R (1)	200:15	Uh-oh (3)	
tender (1)	91:10	towel (2)	111:25;166:11,12	
177:5	timeline (1)	48:15;203:3	uh-uh (1)	
ten-minute (4)	208:2	towels (5)	8:23	
53:21,22,25;103:12	timer (1)	200:2;202:2,25; 203:12;205:14	umbrella (5)	
Tennessee (1)	68:6	tract (1)	55:1;143:16;193:4; 231:20;232:10	
40:4	times (18)	118:6	under (31)	
tentatively (1)	8:5;25:19;27:24; 41:13;43:16;44:18; 109:20;157:3;202:15, 17;203:16,18;204:19; 205:11,15,17;208:11, 14	trade (1)	5:9;7:5;44:22,23; 47:6,8;48:4,22;50:25;	
116:12	today (23)	17:1	52:24,25;53:5,12,13; 57:6;60:6;91:3,25;	
term (1)	7:18,22;8:16;10:6; 11:17,19;28:25;	trained (1)	117:11;133:20,22;	
184:12	31:14;39:10;41:13; 90:16;98:10;102:13; 114:9;115:16;117:19; 118:13,20;171:11;	17:2	134:1;143:16;159:3;	
terminate (2)	192:8;227:15;233:6; 234:6	training (1)	178:10;186:22;194:2;	
198:7,12	together (8)	20:14	209:15;212:12,13; 229:25	
test (1)	10:10;28:20;65:2; 76:15;103:7;116:2; 235:22,25	transaction (1)	underneath (10)	
233:11	toilet (49)	46:19	44:24;45:2;52:14;	
testified (14)	48:16;19;53:9,10; 61:10,13,18;62:4;	transcribing (1)	55:1;56:15;58:4;	
5:5;30:18,20,23; 31:1,15;58:7;90:17; 96:1;135:3;154:11; 208:3;228:10,18	63:19,22;66:5,7,11, 12;67:17,18,21;91:4, 25;119:13;122:19,20, 23;123:2,3,4;125:15;	6:13	61:20;128:18;134:11;	
testify (2)	128:12,13,16;131:5,9, 20;132:6,17,21;133:6,	transcript (12)	230:3	
5:3;185:19		5:15;33:11;65:8; 72:9;79:22;89:8;	understands (1)	
testifying (1)		120:20;142:6;174:23; 181:7;187:13;235:20	184:12	
31:9		traveled (1)	underwriting (3)	
testimony (10)		145:5		
6:7;58:8;98:10; 110:11;119:7,11; 126:2;154:1;171:21; 211:17				
testing (1)				
232:21				
Thanksgiving (5)				
82:18,20;84:2; 85:12;138:8				
thereafter (2)				

54:25;55:12;143:16	value (7)	217:15,21,25;218:8, 13;220:3,18;222:7, 12;224:9,16,24;226:3, 9;227:10,20,25; 229:12;230:4,20,23, 25;231:3,5;234:3,5, 15;235:3,8,12,24; 236:2,5	20:16;24:21,21,25; 25:1;31:15,22;32:5,8, 13,18,19;34:21; 36:15;37:19;39:8; 40:20,22,23;42:5,9, 11,15,19;43:2,3,5,14, 15,17;45:15;46:24; 48:9,11,17,17,23; 49:4,5,6;50:8,25;51:1, 1,3,8,10,13;52:18,22; 53:2;55:19,20,24; 56:5;57:12,13,15,17, 23;58:10,11,14,16,18; 61:9,20;62:11,12,19; 63:18;64:1,3,8,13,22, 23;65:25;66:10;67:9, 10,14;70:14;78:5,17, 21;79:2;80:14;86:21; 87:22;88:20;89:17; 91:5;93:24;97:7,8,15; 111:15;112:22;113:5, 12,19;119:13;120:3; 121:7,8,21;122:19,21, 22;124:4;125:14,22, 25;126:2,24;128:5,8, 10,15;129:11,11,18, 20;130:2,16,25; 131:17,21,22,25; 132:11,11,12;135:8, 10;138:6;140:11; 141:4,8;144:11,25; 145:3,4,6;147:10,20; 160:1;164:23;165:8, 14,22;166:6;167:4,7, 23;168:2,3;172:6; 175:16,19;178:8; 182:2,14;183:3,5,17, 18,20,24;184:15,23; 190:20,23;191:25; 192:1,5;199:14,25; 200:1,1,5,6,15,20,21; 201:21,24,25;202:4,8, 10,12,18,24;203:4,8, 11,21;205:3,16; 206:13,16,16,21; 207:5,6,13,15;208:5, 15,19,22;209:4,7; 210:4,19;211:6,7,16, 25;212:6,8,9;213:22; 224:1;227:16;232:19; 234:22	110:14,20;114:1; 126:10;138:7;149:9; 153:7,10
underwrote (1)	valve (13)	violate (1)	welcome (1)	weekend (9)
143:14	43:18;44:4,4,5; 45:3,6,6,10,21;62:10; 221:2,21;222:2	5:20	136:14	113:23;114:2,3,6,8, 15,19,20;210:8
United (1)	valves (1)	virtually (1)	weren't (3)	weeks (12)
117:7	43:19	8:3	83:18;97:23;203:23	117:14;118:25; 119:8,12;120:14; 145:7;154:1,6;224:1; 228:10,19;229:16
University (1)	vendor (1)	visits (1)	wet (4)	what's (22)
17:15	135:4	26:11	86:13,18;133:25; 134:5	11:22;15:17;44:23; 45:4;47:9;49:9;54:13; 79:14;88:6;91:12; 98:23;116:3;141:6; 150:11;166:13; 168:23;180:14; 200:25;211:13; 215:10,21;216:5
unless (2)	verbal (1)	W	when's (2)	when's (2)
86:12;181:19	8:16	wait (12)	25:9;149:19	25:9;149:19
unloose (1)	versus (4)	9:6,8;55:9;72:24; 74:5,23;75:2,13; 101:10;146:6;180:16; 210:22	whereas (1)	whereas (1)
29:19	38:24;39:5;117:4; 179:7	waited (4)	151:13	151:13
up (85)	via (2)	74:20;75:11;146:4; 147:3	where's (2)	where's (2)
5:20;8:17;33:22; 43:3,4;44:24;51:14; 55:8;58:3;62:1;67:16, 19,22;74:14;75:5; 78:17;81:20;82:16; 83:9;85:5;12;91:3; 94:25;101:4;107:6; 25:108:8;19;111:19; 113:2;118:2;120:12; 128:14;129:20;130:2; 138:6,6;140:16; 141:4,5,8;10;142:20, 20;151:21;154:14,16, 18;160:21;169:25; 171:3;175:13;176:18; 177:17;183:18,20; 186:5;187:11;192:13, 15;199:13,14;200:1,2, 3,4,20,21,22;201:20, 22;202:8,10,24;203:1, 8;205:3;206:21,23; 209:15;213:1;219:11; 226:24;230:21;235:9	124:20;201:3	whole (11)		
upon (3)	video (1)	waiting (2)	124:24;75:2,5,14; 114:3,5;124:25;138:7	5:4;43:15;44:17; 74:24;75:2,5,14;
7:20;30:18,24	112:1	69:8;149:25	Who's (4)	114:3,5;124:25;138:7
urinary (1)	view (3)	waive (1)	18:20;80:15; 101:14;227:6	18:20;80:15;
118:6	41:24;55:13;121:4	6:12	Whose (3)	101:3,3,7
use (12)	VILLANI (187)	walked (2)	wife (2)	wife (2)
5:15;39:7;51:13; 81:6;140:18,19; 181:18;189:16;190:7, 10;205:1,4	2:3,5;5:18;6:15,19; 10:22;13:4;17:8,11, 14,16;19:3,6,8,12; 21:22;22:2,23;23:17, 20:24;23:25;17; 26:25;27:5,11,20; 28:16,25;30:13,21; 31:3,11,23;35:9,14; 38:13,15;40:6,9,13, 16;47:11;51:19; 53:21;59:14;60:20; 69:23;70:3,6,8;72:22; 74:13;75:4;77:18; 81:20;91:8,12,15; 103:12;106:17;108:8; 110:4,14;111:6; 115:6,15,22;116:17; 120:11;121:12; 124:12;136:5,9,12; 151:1,7,9;154:22,24; 161:23;162:2,11,15, 18;163:2,4,8,23; 164:3;166:5;169:1,5, 24;170:7,10;171:9; 174:17;175:3,6,10; 176:25;177:9,19; 184:10;185:14; 186:11,25;189:11,15, 21,24;190:8;191:2,5, 15;192:13,16,18,21, 25;194:22,25;195:20, 24,25;196:20;198:10; 199:8;201:9;204:11; 207:8,11,12,21,23; 209:10,17,21,23; 211:4,13,18,20;213:1, 2,18;214:1,11;215:10, 14;216:5,8,9,14;	139:18;160:10	W-I-L-L-E-R (1)	91:17
used (7)	walls (7)	wall (45)	Willie (3)	91:7,10,17
25:9,11;53:18;90:9; 137:19;190:18; 205:20	51:15;62:1;86:3; 122:2;159:2;206:23; 217:18	26:6;48:23;61:22, 22,23;64:24,25; 65:24;66:1,3;67:17, 19;91:5;122:2,5,24; 123:19;124:6,17,18, 22;125:10,11,15,23; 128:15;130:19;131:4, 7,8,19,19,20;132:16, 20,25;133:4,8,12,16; 165:17;168:3,7,10; 213:16	Wednesday (3)	91:18
using (8)	wants (1)	wants (1)	water-damaged (1)	within (1)
190:1;203:22,23, 24,25;204:24,25; 206:9	24:170:7,10;171:9; 174:17;175:3,6,10; 176:25;177:9,19; 184:10;185:14; 186:11,25;189:11,15, 21,24;190:8;191:2,5, 15;192:13,16,18,21, 25;194:22,25;195:20, 24,25;196:20;198:10; 199:8;201:9;204:11; 207:8,11,12,21,23; 209:10,17,21,23; 211:4,13,18,20;213:1, 2,18;214:1,11;215:10, 14;216:5,8,9,14;	6:20	145:2	213:8
usual (1)	warping (1)	159:25	way (13)	without (1)
5:14	159:25	warranty (20)	6:2,7,9;4,22;93:20; 106:6;110:13;136:18; 146:10;184:14; 190:15;194:24;232:1	220:5
utilized (1)	Washer (1)	24:9,13,19;25:3,6; 38:20;49:7,8;51:7,13; 52:2;119:18;127:8,8; 129:10,16,25;141:12; 146:17;221:4	WITNESS (44)	7:10;17:10,13;19:5, 7;23:19,23;24:25; 26:20;27:3,8;28:23; 30:22;31:8;35:16;
159:9	37:24	water (232)	38:14;40:8,11,15; 69:25;70:5,7,10;	38:14;40:8,11,15;
V	vacuum (1)	12:11,15;13:25;	week (11)	72:25;75:8;91:14,17; 102:24;109:4;115:10,
vacuumed (1)	201:20		84:2;103:6;109:10;	
201:22	vacuumed (1)			

20:116:1;151:11; 155:1;163:25;166:11, 13,17;170:9;191:4,6; 192:12;211:1;231:6	wrung (1) 203:7	1:05 (1) 180:9 10 (10) 65:4,7;68:4;117:1; 121:16,19;130:16; 140:10;204:17; 208:11	14th (1) 163:9 15 (6) 68:4;181:16; 185:10;204:9,17,18	2017 (5) 18:4,6;19:23;24:3; 39:17 2018 (65) 12:16;25:12;26:11; 28:12;29:7;30:20; 31:1,16;42:6,15; 43:14,25;45:23; 46:14,16,23;47:3,17; 48:5,10;49:13;50:11, 18:51;18:56;11,23; 62:11,21;63:9;70:6; 72:13;73:25;74:12, 16:83:3,25;87:6; 89:11,15,21;90:3; 92:11,19;97:18; 106:13;111:16; 114:21;119:12,21,24; 121:6;130:23;133:13; 134:22;135:22; 143:20;144:4,13; 145:12;228:14,22; 229:6;231:19;232:13, 16
witnessed (1) 102:7	Y	y'all (24) 10:23;15:9;52:7; 59:7,8;73:4;74:18; 76:23;77:9;81:4; 91:24;92:7;99:21; 111:14;129:2;139:19; 146:25;147:6;152:24; 159:18;160:6;165:10; 182:6;200:20	10/2018 (1) 55:18 10:00 (1) 116:13 10:05 (1) 117:1 100 (3) 40:3,11,15	15- (1) 205:16 15,000 (1) 214:17 15th (2) 76:22;77:9 16 (1) 62:16 16th (5) 42:6,14;157:15,21; 158:24 17 (3) 18:10,10;19:17 17th (3) 148:9,11,13 18 (2) 8:6;180:2 1-800 (1) 38:16 1-800-47 (1) 38:12 1-877-444-7750 (1) 28:4 18th (6) 43:14;45:22;46:23; 47:17;50:10;147:25 19 (2) 109:12;174:14 1975 (2) 15:6;16:24 1988 (5) 14:9,11;22:20;23:5; 24:8 1st (24) 29:10;47:5,22; 49:17;56:10,23;57:4; 64:1;119:24;121:6, 10,22;122:8;125:22; 132:7,14;133:13; 187:19;210:11,12,14; 211:7,23;213:7
witnesses' (1) 107:5		years (16) 12:7,8;14:10,19; 20:12;36:5,7,14;37:8; 66:22;24;145:7; 207:6,14;218:24; 224:2	11:14 (1) 166:20 11:16 (1) 54:1 11:25 (1) 166:20 11th (3) 69:22;70:1,4 Yolanda (2) 15:17,21	12 (6) 13:11,12;20:12; 181:5,6;185:10 Z Zero (2) 107:14,15
wonder (1) 75:17		12:23 (1) 103:15 12:30 (1) 103:13 12:32 (1) 103:15 12:51 (1) 116:6 12:54 (2) 116:6;236:12 12:57 (1) 116:20 1232 (1) 40:1 1 (34) 33:10,14,22;36:23; 40:2;41:22;43:10; 50:9;54:9;62:15,18; 93:19,20;99:12,12; 100:10;103:19; 108:18;110:24;130:9; 151:21,25;155:18; 156:19;157:14; 160:13;162:9;163:7, 15;166:25;171:3,8; 230:17,22	12th (4) 72:13;89:21; 134:22;231:19 13 (7) 120:19,23;121:13; 130:6,10;160:19; 229:3 13th (10) 74:12,16;143:20; 144:4;145:12;146:3, 25;147:25;148:1; 232:16 14 (2) 13:11,11	2 (6) 72:7,8;80:1;134:17; 144:8;231:16 20 (5) 28:10;180:9; 204:17,18;208:11 200-and (1) 176:16 2012 (1) 50:25 2016 (11) 18:7;34:10,21;37:6; 40:18;62:8;130:11, 16;140:11,21;232:20 2 (1) 73:24 20aB (1) 186:22 26th (1) 74:3 27,000 (1)
wonderful (1) 219:10				
wood (5) 92:4,5;145:1; 200:25;201:1				
Woods (1) 101:18				
wood-wood (1) 201:1				
word (3) 39:19,20;229:19				
words (4) 39:19;82:1;204:23; 211:18				
work (20) 17:5;22;14;80:12; 84:20;93:25;94:22; 135:13;142:2;152:22; 153:15;183:22; 195:12,13,15;196:5,7, 9;205:2;214:19;225:5				
worked (1) 20:11				
working (11) 18:2,3,6;19:24; 42:12,18;106:14; 188:7,25;189:2,3				
worksheet (1) 50:2				
worried (1) 33:16				
worry (2) 78:24;135:13				
wreck (3) 140:6,7;197:19				
wrecked (1) 197:22				
wrecks (1) 140:5				
write (6) 69:14;76:2,9;95:7; 197:7;216:2				
writing (1) 76:6				
written (2) 106:1,4				
wrong (7) 26:1;98:11;121:4; 180:8;211:14;215:10; 216:5				
wrote (6) 75:9;76:5;132:15; 143:15;164:1,2				

176:21	40:4	38:21	95 (1)	
275 (2)	377 (1)	58 (3)	15:8	
100:9;156:6	160:12	41:23,24;50:6	9th (10)	
28th (1)	39 (1)	59 (3)	34:10,21;83:3;	
118:3	230:23	43:9;50:8;155:18	89:11,15;90:3;97:18;	
29th (24)	396 (1)	5th (9)	130:11;135:22;	
12:16;30:19;31:1, 16:4;8:5,10;49:2,12; 56:11;57:18;62:11; 63:17;87:6;111:15; 118:4;119:12,20; 125:17;171:20; 175:16;180:2;208:4; 210:3;213:6	157:13	64:19;131:1,12; 132:16;133:14; 149:22;150:3,12; 175:20	232:13	
2nd (18)	397 (5)		6	
93:21;99:14; 108:15;109:8,25; 110:8,12,17;111:1; 113:15;152:1;153:8; 156:24;157:7,11; 162:11,22;213:7	54:11;230:17,22, 25;231:4		6 (6)	
	3rd (21)	57:4;59:10;61:5; 64:5;80:6;92:19; 108:15;109:8,25;	89:6,7;90:3;135:20; 229:4;232:12	
		110:8,12,18;126:11, 13;127:13,24;153:8; 212:11,23;213:4,8	61 (1)	
			62:19	
		4	63 (4)	
	4 (6)	121:13;177:25; 185:9;187:12,15; 189:8	33:25;34:20;36:23; 50:23	
	40 (1)	16:10	6th (4)	
	404-272-5995 (1)	91:22	62:20;228:13,22; 229:6	
	404-885-6313 (1)	2:19		7
	417 (1)	231:3	7 (4)	
	42 (1)	16:4	142:4,5;230:24; 232:15	
	437 (2)	33:15;231:4	75 (1)	
	44 (2)	176:23,24	770-985-6773 (1)	
		15:22	2:9	
	46 (1)		7th (3)	
	474 (1)	38:12	50:25;149:15,22	
	474-4047 (1)	38:17		8
	4th (6)	28:10;60:13;67:13; 87:14;128:3;130:23	8 (1)	
			161:21	
			8:00 (1)	
			32:15	
			8:15 (1)	
			146:3	
			821 (1)	
			2:6	
			88 (1)	
			218:25	
		5	8th (4)	
	5 (9)	79:19,21;80:1; 136:17;189:23,24; 192:14,19;231:24	151:23;164:18; 165:2;167:4	
	5,000 (6)			9
		79:16,18;96:9;97:2, 4;145:16	9 (1)	
	5:00 (6)		13:14	
		32:11,14,16;34:17; 36:16;37:1	9/29 (1)	
	506 (1)		30:15	
		19:8	9/5 (1)	
	550247 (1)		30:16	
			9/6/2018 (1)	
			50:17	

bfredrics5@outlook.com

From: Janice Scott <mailer@publicadjusteratlantaga.com>
Sent: Wednesday, January 2, 2019 10:09 AM
To: bfredrics@professional-adjusting-consulting.com
Cc: bfredrics5@outlook.com
Subject: Public Adjuster Atlanta "Estimate"

Exhibit 1

From: Janice Scott <scott-janice@comcast.net>
Subject: Estimate

Message:

I need and estimate for my homeowners insurance to compare their estimate to. I have water damage and mold. The amount of money given by insurance is not enough to get the work done and they demand a estimate.

--

This e-mail was sent from a contact form on Public Adjuster Atlanta
(https://nam01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fbeta.scxserv.com%2Fpublicadjusteratlantaga_com&data=02%7C01%7C%7C54882162ab40413eea3a08d670c46c9d%7C84df9e7fe9f640afb435aaaaaaaaaaa%7C1%7C0%7C636820386263537706&sdata=F5CHIAi97XSSQy9nKgYCuw18ajVq%2B3c4HbLymyPlje0%3D&reserved=0)

The Charter Oak Fire Insurance Company
Po Box 430
Buffalo, NY 14240-0430

Exhibit 2

10/12/2018

Janice Scott
1590 Foote St Ne
Atlanta GA 30307

Insured: Janice Scott
Claim Number: H9L5871
Policy Number: OCJP39-982221530-633-1
Date of Loss: 09/29/2018
Loss Location: 1590 Foote St Ne Atlanta GA

Dear Janice Scott,

I am following up on our recent conversation about your claim. As we discussed, after researching this claim, Travelers Insurance determined that your policy does not cover continuous or repeated seepage or leakage of water. The reasons for this determination are outlined below.

You presented a claim for water damage. We inspected the damages with Janice Scott on 10/04/2018. Our research found there was long term, continuous, or repeated seepage, or leakage of water damage present. This was determined due to the rotting of the wood present in the crawl space under the bathroom area where the leak is present.. Since there is long term water leakage present, your policy does not provide coverage.

As a reference, I have provided the following section of your policy, (Section 1, Perils Insured Against, C. WE DO NOT COVER: 6. Found on pages 7 and 8), which explains that this type of loss is not covered:

Section 1-Perils Insured Against

COVERAGE A DWELLING AND - COVERAGE B
OTHER STRUCTURES
We insure against risks of direct physical loss to property described in COVERAGE A and B, EXCEPT:

C. WE DO NOT COVER:

6. CONTINUOUS OR REPEATED SEEPAGE
OR LEAKAGE OF WATER OR STEAM
OVER A PERIOD OF TIME, WEEKS,
MONTHS OR YEARS, FROM WITHIN A
PLUMBING, DRAINAGE, HEATING, AIR
CONDITIONING SYSTEM OR AUTOMATIC
FIRE PROTECTIVE SPRINKLER SYSTEM
OR FROM WITHIN A HOUSEHOLD APPLIANCE;

This decision is based on the information and documentation we received during our research of

this claim. If you are aware of any new or different information or documentation that might lead us to reconsider our decision, please contact me immediately.

Your policy may have other terms, conditions and exclusions that apply to this claim. We do not waive any rights, including our right to deny coverage, for any other valid reason under the policy or at law.

Please review the Suit Against Us condition of your policy as it contains important information about the period of time in which you may bring legal action.

If you have any questions, please contact me at (470)629-3915 or JTEITELB@travelers.com.

Sincerely,

Jeffrey Teitelbaum
Claim Professional
Direct: (470)629-3915
Office: (800)238-6214 Ext. 629-3915
Fax: (866)680-3951
Email: JTEITELB@travelers.com